



Report on complaints and the complaint system of alcohol marketing

Complaints on alcohol marketing

Results of monitoring alcohol marketing in Germany in 2010

AMMIE Project

Report on the complaints and the complaining system in Germany

Author:

Manuela Merchlewicz

German Centre for Addiction Issues (DHS)

Westenwall 4

D-59065 Hamm

Phone: +49 (0)2381 9015-22

Fax: +49 (0)2381 9015-30

Email: merchlewicz@dhs.de

www.dhs.de

Hamm (Westf.), February 2011

Conducted as part of the Alcohol Marketing Monitoring in Europe (AMMIE) project. AMMIE is coordinated by the Dutch Institute for Alcohol Policy (STAP).

Contact details:

Dutch Institute for Alcohol Policy (STAP)

Postbus 9769

3506 ET Utrecht

+31306565041

info@stap.nl

www.stap.nl

This report arises from the project Alcohol Marketing Monitoring in Europe which has received funding from the European Union, in the framework of the Health Program.



Index of contents

Introduction	4
1. Background information	5
2. Complaining procedure of the AMMIE project in Germany	9
3. General overview of complaints	18
4. The youngster's opinion vs. the assessment of the advertising committees ...	53
5. Conclusions and recommendations	56
6. References	58
Appendix	61

Introduction

According to recent sample surveys the percentage of German youth (12 to 17 years), featuring regular consumption of alcoholic beverages, has declined within the past few years (ESPAD 2007, BZgA 2009). This downward trend is opposed to a great number of alarming developments. The drinking initiation age decreases consistently and risky drinking patterns such as the episodic binge drinking remain at a high level within the youth population. Particularly alarming is the increase of acute alcohol intoxication among young people. With regard to the Federal Statistic Office [Statistisches Bundesamt] (2010), in 2009 around 26.500 adolescents aged between 10 and 19 years have been admitted to hospital because of alcohol abuse. This represents an increase of 175% compared to 2000.

The reasons for these hazardous trends are variegated. Within several scientific studies alcohol marketing has been identified as one of the risk factors for youth drinking uptake and risky consumption patterns. Anderson et al. (2009) recently published a review study in which 13 longitudinal surveys examining the link between alcohol advertising and youth drinking behaviour have been analysed. In these studies, a total of more than 38.000 young people were followed for a longer period of time. Twelve out of thirteen studies show an effect of exposure to alcohol marketing on drinking behaviour of young people: The more youngsters were exposed to alcohol advertising, the earlier they started to drink alcohol. Also, a higher exposure was related to a higher consumption in the already drinkers. The only study that did not find a direct relationship with drinking behaviour did find an increased intention amongst youngsters to start drinking in the future (Ajzen 1991).

Research shows that especially exposure to large volumes of alcohol advertising has an impact on the drinking behaviour of young people. In addition, the exposure to appealing advertising is found to have an undesirable impact on the drinking behaviour of young people.

This report has been written for the "Alcohol Marketing Monitoring in Europe (AMMIE)" project which aims to protect young people against the harmful effects of alcohol marketing.

Within the project, which started in 2009, NGOs from five EU countries (Bulgaria, Denmark, Germany, Italy and the Netherlands) have monitored alcohol marketing following a method developed by the Dutch institute for alcohol policy. The results of this project will give insight in the overall presence of alcohol marketing in the five countries and describe the content and the amount of alcohol advertising, with special attention to the opinion and exposure of young people. Furthermore, the project will describe the functioning of the alcohol marketing regulation systems; this will lead to recommendations to improve the regulatory system in order to protect young people against the harmful influence of alcohol advertising. (All AMMIE reports can be found on www.eucam.info/eucam/home/ammie.html.)

The observation process within the project comprised a volume-related monitoring resulting in an analysis of young people's exposure to alcohol advertisement on television¹. In addition, the content of alcohol marketing was observed within the participating countries. The focus of monitoring the content of alcohol advertisement is dual. On the one hand questionable as well as youth appealing marketing activities were objected towards the existing advertising committees. On the other hand youngsters aged from 13 to 17 have been involved to rate those advertisements that have afore been objected towards the respective committees. By subsequently comparing the outcomes of the youth ratings with the judgement of the national advertising committees, the effectiveness of the individual regulation systems should be assessed and possible shortcomings of the existing rules be revealed.

In Germany the project is funded by the European Commission and the Federal Ministry of Health.

In the present report the results on monitoring the content of alcohol marketing in Germany are described. In the first two chapters the theoretical background constituting the basis of the further sections is presented. Therefore the German advertising regulations as well as the complaining procedures of the German advertising committees are disclosed. Furthermore the approach of the DHS in detecting questionable ads as well as its experiences with the complaining procedures of the German advertising committees is displayed. Finally the recruitment of minors with regard to the judgement of questionable ads is presented. Part 3 then presents the results of the complaining process as well as the outcomes of the youth rating panels. Chapters 4 and 5 finally display a comparison of the outcomes as well as various recommendations in terms of modifications within the regulation systems.

1. Background information

1.1 Effect of youth exposure to appealing alcohol advertizing

Usually, alcohol marketing practices do not solely show the promoted product itself, but portray this product in a certain context. Advanced branding strategies concentrate on linking the product to attractive lifestyles and activities in hopes of targeting the desired audience.

Adolescents' intention to purchase alcohol can be predicted by how appealing they find the advertisement (Casswell & Zhang 1998). The level of appeal can be increased by the use of humour, celebrities and animals, while advertisements only showing the product itself are linked with a lower intention to purchase alcohol (Chen et al. 2005).

Children from quite a young age are capable of understanding the persuasive intent of advertising practices (Moses & Baldwin 2005) but until reaching adulthood, young people are very susceptible to advertising due to a late maturing of the brain system (Pechmann et al. 2005). The impulsivity and self-consciousness of youngsters make them more vulnerable for advertising, more eager to purchase heavily

¹ A detailed description of this impact and the exposure of young people to alcohol advertizing on TV in Germany or in Europe can be found in the "AMMIE report on the volume exposure of young people in Germany" or in the European AMMIE report on the volume exposure of young people to alcohol advertising on TV".

promoted products and to choose products which are associated with a desired image (Pechmann, et al., 2005). By promoting alcohol as an appealing product that provides immediate satisfaction and/or is associated with a desired lifestyle, adolescents are tempted to purchase this product (Kelly & Edwards 1998; Pechmann, et al. 2005).

1.2 Protecting young people against appealing elements

One way to protect young people against the harmful appealing content of alcohol advertising is to restrict all elements that have found to be appealing for young people (STAP 2010). Hawkes (2005) recommends restriction on the use of celebrities and cartoon. Jernigan (2001) underlines this advice in a WHO report and recommends the restriction of the use of activities, images and languages associated with youth culture in alcohol advertisements. In the European Council Recommendation, that aims to protect young people against appealing advertisements, most of these elements are included. Other elements, like humour and sex that have found to be appealing for young people (Geuens & De Pelsmacker 1998; Waiters et al. 2001), are however not included in most alcohol marketing regulations (STAP 2007). Geuens and De Pelsmacker (1998) show that the level of humour and warmth used in alcohol advertisements is associated with a positive attitude towards the advertisement as well as the brand.

Content restrictions that are included in most self-regulatory codes, but also in the Audio Visual Media Services Directive (European Parliament & the Council 2010) limit their restrictions to elements that are specifically appealing for young people. Because elements that are appealing for adolescents are also appealing for adults, the Federal Trade Commission in the US recommends that advertising codes should restrict ads “with substantial appeal to underage consumers, even if they also appeal to adults, or by only targeting ads to persons 25 and older” (FTC 2008).

1.3 German alcohol advertising regulations

In German law there are up to now just two regulations explicitly settling the marketing of alcoholic beverages. They are anchored in the German youth protection and respectively refer to time restrictions or to the content of alcohol advertisement. Paragraph 11 (5) of the “Federal Protection of Young Persons Act” (Jugendschutzgesetz, JuSchG), relating to the volume of marketing activities, stipulates that “commercials and advertising programmes for tobacco and alcoholic drinks must not be shown before 6 p.m.” within public movie performances (KJM 2009). Article 6 (5) of the “Interstate Treaty on the protection of Minors in Broadcasting and in Telemedia” (Jugendmedienschutz-Staatsvertrag, JMStV) partly regulates the content of alcohol marketing, underlining that “advertisement for alcoholic beverages shall not be aimed at children or adolescents nor specifically appeal to children and adolescents through its presentation, nor show them consuming alcohol” (KJM 2011)” Up to now, there is no official body systematically searching for violations of these articles. Breaches against the two marketing-related regulations can be reported to a legal authority.

Statutory regulations sticking to advertising activities in general and thus also affecting the marketing of alcoholic beverages are actually embedded in the German “Broadcasting Treaty” (Rundfunkstaatsvertrag, RStV; KJM 2010) as well as in the “Unfair competition Act” (Gesetz gegen den unlauteren Wettbewerb, UWG; Juris GmbH 2004). According to these systems of rules marketing activities (including those relating to alcoholic products) should neither be misleading, nor claim the untruth, nor directly invite adolescents to buy merchandise. Another act, the German legal practice relies on, is the “Regulation on nutrition and health claims made on food” by the European Parliament and the Council. Article 4 (3) thus stipulates that “beverages containing more than 1.2 % by volume of alcohol shall not bear health claims”. A violation of this article concurrently constitutes a breach of the above-mentioned “Unfair competition Act” (§§ 3, 4 No. 11) and can therefore be prosecuted.

Infringements of the “Unfair Competition Act” and thus also breaches against the Health-Claims Regulation can be applied to the “Centre for Protection against Unfair Competition” (Zentrale zur Bekämpfung unlauteren Wettbewerbs), a self-regulating association incorporating the German chambers of commerce, most trade corporations, about 750 other industrial or commercial associations and approximately 1200 companies. It is responsible for the enforcement of fair competition and accordingly observes the adjustment of the above mentioned, marketing-related regulations (Zentrale zur Bekämpfung unlauteren Wettbewerbs 2011).

All in all, the statutory regulation of marketing plays a minor role in the German landscape of alcohol advertisement. The principle of self-regulation, however, serves as the main regulating instrument of alcohol marketing strategies. It is primarily based on the non-statutory “Code of Conduct on Commercial Communication for Alcoholic Beverages” (appendix 1) which was drawn up in 2005 by producers, sellers and importers of alcoholic beverages, in cooperation with the German Advertising Federation (Zentralverband der deutschen Werbewirtschaft, ZAW), an umbrella organisation of 40 associations representing advertising companies, media and communication agencies as well as advertising and research professionals. The guidelines were generated after the European Union threatens in 2004 to impose advertising bans if the 25 Member States do not build up an effective and transparent system of self-regulation within the marketing sector (WKÖ 2004).

Within the advertising code, being revised in 2009 and presently featuring nine subordinated articles (see appendix 1), the alcohol industry commits to

- preventing representations and claims made in commercial communication from being misconstrued as promoting abusive consumption of alcoholic beverages.
- preventing commercial communication from being misconstrued as being addressed at minors.
- ensuring compliance with all laws relating to commercial communication for alcoholic beverages, including the laws governing fair trading and the protection of minors
- promoting compliance in the framework of the competitive market and combating non-compliance with the Code of Conduct.

The Code of Conduct focuses on the content of alcohol marketing activities. Guidelines about the volume of placed advertisements (broadcasting time, placement in programs and channels etc.) are not included in this self-regulating system of rules.

The adjustment of the self-controlled regulations is monitored by the German Advertising Standards Council (Deutscher Werberat) (DHS 2009), an instrumentalized, self-regulating organization of the German Advertising Federation. The members of the Council are elected by the President Committee of the Advertising Federation in a three-year rhythm. Currently the institution consists of ten members mirroring the structure of the advertising industry², and three additional professionals (Deutscher Werberat 2011). The organisation is funded by all relevant participants in the advertising market and accordingly represents the interests of the industry.

Other non-statutory regulations referring to marketing activities in general and thus also affecting the advertisement of alcoholic beverages are, amongst others, the “Rules on Advertising and its Appraisal” (appendix 2) and the “Code of Conduct on Personal Denigration and Discrimination” (appendix 3). Breaches against these regulations can also be submitted to the German Advertising Standards Council.

A regular update of the respective rules is not destined.

The main task of the German Advertising Standards Council and the Centre for Protection against Unfair Competition in terms of monitoring alcohol advertisements is to accept and check complaints about marketing activities that violate the respective rules on advertising. Both institutes may also instigate proceedings, but according to experience this is hardly the case.

The rules of procedure in terms of submitted complaints to the German Advertising Standards Council as well as to the Centre for Protection against Unfair Competition are exemplified in the following chapter.

² There are four members of the commercial industry, three of the media, two representing advertising agencies and one signifying the advertising professions.

2. Complaining procedure of the AMMIE project in Germany

2.1 Complaining procedures of the German Advertising Committees

2.1.1 Complaining procedure of the German Advertising Standards Council

With regard to the complaining procedure of the German Advertising Standards Council, every identifiable person as well as every registered enterprise has the right to complain about alcohol marketing activities that are related to the commercial advertising sector (political and health-related campaign advertising, however, is outside the scope of the committee). The complaints can be submitted in writing (postal mail, fax or e-Mail), through an electronic form on the institute's website or by telephone, insofar as the complainant is identifiable. Anonymous complaints are generally not processed.

After receiving a complaint, the Advertising Council analyses whether the respective advertisement violates the self-regulating Code of Conduct. A complaint being - according to the committee's employees - manifestly unfounded is promptly rejected on the part of the Council. In response, the complainant has the opportunity to file an objection to the decision of the committee. In this case or in the case a complaint is directly upheld after the receipt within the Council, the advertising company is asked to submit comments on the corresponding complaint. If the company agrees to modify the marketing activity or even put it off the market, the complaining procedure will be terminated by the Advertising Council. If the advertiser, however, considers a complaint to be wholly or partly unjustified and hence refuses to modify or stop the advertising activity, or if no response is received by the stated deadline the German Advertising Standards Council will take a decision. In case the committee upholds a complaint, the advertising company is notified again and asked to modify or discontinue the marketing strategy. If the company refuse to react, it will finally be publicly reprimanded by the Advertising Council.

Apart from the public rebuke, a breach against the Code of Conduct entails no sanctions or severe consequences for an advertiser or and an advertising agency. As tasteless or discriminating a marketing activity may be, advertising companies cannot be forced to stop it and oftentimes a reprimand even helps them to gain more popularity within the public and thus to increase sales.

In case the committee receives complaints about advertisements that are not in breach with the non-statutory rules but with the German law they forward them to the appropriate complaints body. The complainant is always notified in writing about the activities of the Council as well as about the decisions of legal authorities.

The whole complaining procedure can be withdrawn from appendix 4.

2.1.2 Complaining procedure of the Centre for Protection against Unfair Competition

The Centre for Protection against Unfair Competition is responsible for handling complaints about advertisements violating the German competition law. As within the complaining procedure of the German Advertising Standards Council any member of the public (competitor or consumer, members and non-members of the organisation) can submit a complaint to the Centre. The complaints can be transmitted in writing (postal mail, fax or e-Mail) or through an electronic form on the institute's website. If a complaint is of substance, the Executive Directors inform the trader, asking him to sign an undertaking to amend or discontinue the commercial practice. This declaration contains a penalty clause so that legal action can be threatened in the case of non-compliance. If the trader is unwilling to amend or discontinue the advertisement or commercial practice, the Executive Directors decide whether to institute legal proceedings. Before taking court action, the Centre for Protection against Unfair Competition will try to reach an amicable agreement. "The complaint can therefore be brought before the Board of Conciliation of the regional Chamber of Commerce."

"Offences by members of the association are dealt with in the same way as those by non-members." (Zentrale zur Bekämpfung unlauteren Wettbewerbs 2011, p. 3ff). Non-members, however, are not informed of the progress of the procedure. As the German Advertising Standards Council is a paying member of the Centre for Protection against Unfair Competition complainants are notified in detail if a complaint is forwarded by the Council to the Protection Centre.

Unlike the self-regulation system, violations against statutory rules entail legal consequences like undertakings, monetary penalties etc.

Both complaining procedures, the one of the German Advertising Standards Council as well as the one of the Centre for Protection against Unfair Competition, are free of charge. In average the handling of complaints takes one to two weeks.

In the following chapter the procedures of monitoring marketing strategies in Germany as well as the experiences with the respective complaining boards are displayed.

2.2 Monitoring process within the project

In order to describe alcohol advertisements being appealing to minors and/or violating the existing statutory and non-statutory regulations, marketing activities on television and outdoor billboards as well as in newspapers, magazines and in the internet were monitored throughout the year 2010.

The observation of alcohol advertising in *traditional media* such as television, outdoor billboards, newspapers and magazines was primarily effected with the help of the so called "Ad Library", a database being provided by "Nielsen Media Research".

Within the monitoring period the German monitoring coordinator got access to the database four times, each time for one month (in February, May, August and November 2010). During these sections all contemporaneous marketing expressions were downloaded from the Library and consequently analysed with regard to the adherence of the existing advertising regulations.

Online marketing practices, however, were monitored by visiting websites of national and international leading alcohol brands as well as by subscribing to online newsletters of popular alcohol producers. Therefore a list, including homepages of the ten most appealing alcoholic beverages selected within the ELSA project (STAP 2007) as well as several websites of popular beer producers, spirit brands and wine producers, has been drawn (see appendix 5). The newsletters of these websites (when available) have been subscribed at the beginning of the monitoring period in January 2010 and the websites themselves have been checked once a month in terms of questionable advertising activities as well as of new trends on the field of alcohol marketing. Moreover social networking websites such as the German “Studierendenverzeichnis”³ or international pages like Facebook and MySpace were occasionally observed with regard to marketing strategies of the alcohol industry.

Apart from the office-based observation of alcohol advertising, outdoor marketing strategies such as price promotions in supermarkets or promotion activities during festive events have been occasionally monitored by purposefully visiting shopping malls and the city centre of the workplace. Actually, during the World Championship a systematic ‘Outdoor Monitoring’ was carried out to identify marketing practices that are related to this sportive event and thus to football in general.

Finally colleagues and friends were asked to keep an eye on alcohol marketing strategies and to inform the monitoring coordinator in case of discovering questionable advertisements.

2.3 Experiences with the complaining procedures in Germany

After the identification of an advertisement being significantly appealing to youngsters and/ or violating the existing statutory and non-statutory regulations of alcohol marketing, a complaint was filed to the responsible committee.

Complaints about advertisements in magazines and newspapers as well as on billboards and in the internet have generally been sent in writing to the German Advertising Standards Council as well as to the Centre for Protection against Unfair Competition, invariably including a detailed letter as well as a screenshot, a copy or a photography of the respective ad. Complaints about commercials or sponsoring advices on TV, however, have been transmitted through an electronic form providing the opportunity to upload and transfer videos. As within the monitoring process there couldn't have been traced any TV spots as being in breach with statutory regulations, there was no need to employ the electronic form of the Centre for Protection against Unfair Competition. The web form of the German Advertising Standards Council, however, has been used several times to complain about TV spots violating the non-statutory rules of marketing in Germany.

The appliance of the Council's web form as well as the complaining system in general is circuitous. An overall lack of information and transparency about the existence or rather the functioning of complaining system oftentimes leads to the fact that people not being versed in the German advertising system do not know where to turn to in case of discovering questionable marketing activities. As a result a multiplicity of breaches against marketing regulations is not reported to the committee and accordingly remains undetected.

³ www.studivz.net

Not only the lack of information but also the structure of the electronic form on the website of the Advertising Council may prevent people from eventually filing a complaint. After entering personal data, the reason for the complaint has to be chosen from a hand-full of parameters within the web form. The number of parameters is limited and oftentimes it's hard to take a decision as there may be many reasons for complaining about a marketing activity. In addition, the upload of documents is limited to files up to a size of five megabytes. The majority of video-files, however, are larger than five megabytes. This may result in the fact that corresponding complaint are not submitted in the end.

Figure 1⁴

The image shows a screenshot of the 'Deutscher Werberat' website's complaint form. The form is titled 'Beschwerdeformular' and includes sections for 'Ihre Daten' (personal information), 'Beschwerde' (complaint details), and 'Grund der Beschwerde' (reason for complaint). A dropdown menu for 'Grund der Beschwerde' is open, showing a list of reasons such as 'Alkohol', 'Aufdringliche Werbung', 'Betrügerische Werbemaßnahmen', 'Diskriminierung', 'Emiedrigung von Menschen', 'Ethik und Moral', 'Frauendiskriminierung', 'Gefährdung von Kindern und Jugendlichen', 'Gewalt und Brutalität', 'Herabwürdigung der Politiker', 'Ireführung der Konsumenten', 'Männerdiskriminierung', 'Rassismus', 'Senioren-diskriminierung', 'Sexistische Darstellung', 'Sexistische Werbung', 'Sexuell anstößige Darstellung', 'Sexuell anstößige Inhalte', 'Tabak und Rauchwaren', 'Täuschende und belästigende Werbung', 'Täuschung und Ireführung', 'Tierschutz', 'Umweltschutz', 'Unlauterer Wettbewerb', and 'Verletzung von religiösen Gefühlen'. An arrow points from the dropdown menu to the 'Grund der Beschwerde' field in the form.

The handling of the complaining process by the German Advertising Council itself isn't less cumbersome. Although the response of the committee to a complaint was effected on average within one week and although the complainant is cursorily informed about the steps taken by the Council, the complainant is never notified about the correspondence between the committee and the adversary. Accordingly the

⁴ Source: <http://www.werberat.de/content/Beschwerdeformular.php>

complainant receives neither a copy of the request to comment nor the representation of the advertising company. So in the end it is not transparent whether the argumentation of the final response to the complainant is based on the adversary's comment or on the Council's decision.

In contrast, the complaining process of the Centre for Protection against Unfair Competition is more transparent. As within the complaining procedure of the German Advertising Standards Council the handling of complaints takes on average one week. Moreover member associations as well as the DHS are informed about the complaining process and obtain copies of every written procedure.

However, if a complaint is forwarded to the Centre for Protection against Unfair Competition by the Advertising Council, the actual complainant does not receive information about the correspondence of all parties with regard to contents.

The reactions of both committees in terms of the complaints within the AMMIE project are explicitly displayed in chapter 3.

2.4 Youth Rating Panels

As described in chapter 1, a main goal of the German statutory and non-statutory regulations on commercial communication is to protect minors from being directly targeted by alcohol advertisements. The appropriate advertising committees, however, have their own assessment criteria to judge complaints about marketing practices that seem to be appealing for young people. These criteria are not available to the public and are thus generally unknown. The self-regulating 'Code of Conduct', leastways, does not stipulate any categories such as humoristic elements, colours, music etc. being appealing to young people; and the opinions of minors are furthermore certainly not included in the respective assessment processes. For this reason it is possible that an advertising committee rejects a complaint even if the corresponding marketing activity may appeal to young people.

As the AMMIE project envisages assessing the effectiveness of the existing statutory and non-statutory regulations within the participating countries, young people are involved in the content-related monitoring procedure. On this, minors should rate those advertisements afore being objected towards the advertising committees with the help of a web-based rating system, developed by STAP. By subsequently comparing the outcomes of the youth ratings with the judgement of the national advertising committees, possible shortcomings of the existing regulations should be revealed.

According to the 'protocol on the youth rating panels' prepared by STAP, the participating countries should involve a total of 50 youngsters, being aged between 13 and 17 years⁵ and attending the grades 7 to 12 of secondary schools, in the judgement of commercial communications. By this means the ultimately envisaged volume of 30 participants (divided in five age groups of six youngsters) should be attained. The protocol moreover envisions that the pupils should be selected from three different secondary schools, of which one should be located in a big city, one in a medium sized city and one in a small town. Before starting to rate the objected alcohol advertisements, the pupils of the different schools will receive a media literacy training.

⁵ Divided in five age groups of ten youngsters each

According to the project protocol a total of six survey waves are scheduled for the monitoring year of 2010. In the first questionnaire socio-demographic data as well as information about the consumption of alcohol and advertisement of the project participants should be collected. The ratings 2, 3, 4 and 5 are related to the judgment of alcohol advertisements whereas in the sixth questionnaire general information about the findings of the ratings as well as possible modifications in the consumption behavior of the youngsters should be collected.

In the following the recruitment of youngsters as well as the selection of the final sample for the German rating is displayed.

2.4.1 Composition of the youth panels in Germany

On the basis of the provided protocol, the DHS initially designed a brief concept on the recruitment of youngsters concerning the selection of cities and school types as well as the search of information about school surveys in Germany. As the head of the DHS is sited in the Federal State of North-Rhine-Westphalia, it was foremost decided to exclusively consider secondary schools within the greater region of Westphalia. Subsequently, consideration was given to the selection of school types. Since both comprehensive schools and grammar schools offer any form of graduation, it was finally decided to involve these kinds of schools.

Following these general considerations, the DHS carried out a detailed literature research about legal requirements concerning the accomplishment of student surveys in North-Rhine-Westphalia. According to the BASS (Bereinigte Amtliche Sammlung der Schulvorschriften NRW) the school directors as well as the parents of underage children must officially agree to participate in the project (Schulministerium Nordrhein-Westfalen 2009). Moreover the anonymity of the participating students has to be safeguarded. According to the Commissioner for Data Protection of North-Rhine-Westphalia, who additionally advised the DHS in matters of data privacy, it is strictly forbidden to collect any private data of the respective pupils. For this reason the DHS was not allowed to note the names as well as the eMail-adresses of the participating students.

Subsequent to these research activities the project coordinator of the DHS designed information papers including a description of the AMMIE project and the accomplishment of the student survey in German schools. These papers were sent out to several grammar and comprehensive schools in North-Rhine-Westphalia in order to recruit them for the AMMIE project. In the directors of four schools agreed to participate at the project. However, they stressed that - for organizational reasons – it would not be possible for them to select single pupils from the grades 7 to 12. They suggest, however, involving an entire class of each grade in the judgement of alcohol advertisement. Since all professionals made the same proposal, it was agreed to finally consider one class of selected grade (i.e. one class→ around 30 pupils of grade 7, one class is one class→ around 30 pupils of grade 8 etc.). Since this way much more than 50 students would be involved in the project, it was decided in consultation with the project management of STAP to just include two schools in the rating: the comprehensive school “Gesamtschule Brüggen” in Brüggen (a small town with around 16.000 inhabitants) and the grammar school “Christian-Rohlf-Gymnasium” in Hagen (a great city with around 200.000 inhabitants). The directors of the schools then

each appointed a contact person (in both cases the schools' drug prevention counsellors) who organizes the inquiry within their institute. The organisation comprises:

- Selecting classes for participating in the project
- Handing out an information letter to the parents of the respective pupils which was prepared by the DHS an advance
- Handing out an information letter to the students of the participating classes which was prepared by the DHS as well
- Collecting the parental consent
- In coordination with the DHS: Organising school hours, class rooms and projectors for a training workshop in the premises of the respective schools

Finally a total of 120 pupils of the following classes were selected by the drug prevention counsellors to participate in the project:

Grammar School: Christian-Rohlfs-Gymnasium

- Class 7b (20 pupils)
- Class 8b (10 pupils)
- Class 9b (18 pupils)
- Class 10b (10 pupils)
- One course of the 11th form (12 pupils)

Comprehensive School: Gesamtschule Brüggen

- Class 9a (20 pupils)
- Class 9c (20 pupils)
- Detached pupils of the 12th form (10 pupils)

After the administrative organisation of the survey, the project coordinator visited the respective schools and trained the participating classes in terms of the AMMIE project and the procedure of rating questionable alcohol advertisements. Moreover the pupils received a media literature training as well as detailed information about the substance 'alcohol' and the dangers of excessive alcohol consumption. Each class was given a separate training which lasted around 90 minutes (two school hours).

As for data protection reasons the DHS was not allowed to collect any private data. Therefore the youngsters received a personal identification number that has to be indicated when filling out the web-based ratings. With the help of this number the pupils as well as their socio-demographic data could be assigned to the different ratings. In advance of the each survey wave, the monitoring coordinator of the DHS wrote eMails to the drug prevention counsellor including the date when the respective rating has been online. The teachers then reminded their pupils to fill in the respective questionnaires.

As the directors of the participating schools refused to include questions about the drinking behaviour and the advertising consumption of the youngsters within the rating, this data is not available for the Federal Republic of Germany.

2.4.2 Description of the final sample

As displayed above, 120 youngsters agreed to participate in the survey. For the final evaluation a total of 30 students who regularly participated in all surveys were selected approximately in accordance with the parameters required in the project protocol. The corresponding sample is displayed in the following table.

Table 1: Overview of the German final sample⁶

City Size	Educational Level	Age	Gender	Number	City Size	Educational Level	Age	Gender	Number				
big	A-Levels	13	f	1	small	A-Levels	13	f	1				
			m	1				m	1				
		14	f	1			14	f	1				
			m	1				m	1				
		15	f	1			15	f	1				
			m	1				m	1				
		16	f	1			16	f	1				
			m	1				m	1				
		17	f	1			17	f	1				
			m	1				m	1				
			O-Levels	13			f	0		O-Levels	13	f	0
							m	0				m	0
14	f			1	14	f	1						
	m			1		m	1						
15	f			1	15	f	1						
	m			0		m	0						
16	f			1	16	f	1						
	m			1		m	0						
17	f			0	17	f	1						
	m			0		m	0						
Total						15	Total						15

A-Levels: Graduation from High School

O-Levels: Secondary School Graduation ("Fachhochschulreife" and "Realschulabschluss")

f: Female Gender

m: Male Gender

⁶ Source: Own illustration

As shown in the table, a total of 15 pupils have been respectively selected from the two participating schools. In addition, the students were distributed as evenly as possible across the various age groups and the aspired school qualifications.

3. General overview of complaints

Within the 12-month-long monitoring period from January 2010 until December 2010 the DHS filed 18 complaints towards the German Advertising Standards Council and one complaint towards the Centre for Protection against Unfair Competition. 11 in a total of 19 objected promotional activities were herewith related to online marketing activities, whereas four referred to sponsoring advices on TV, two to TV commercials, one to a promotional flyer and one to a print ad in a city magazine.

Half of the complaints being filed towards the German Advertising Standards Council (that is 9) have been rejected, on the ground that the corresponding advertisements were either not in breach with the existing self-regulating rules or outside the jurisdiction of the committee. The DHS, in turn, filed written objections to two of the rejected complaints; but even these oppositions were not upheld on the part of the advertising committee.

Ten marketing activities, however, have been entirely or partly upheld on the part of the respective advertising committee. As a consequence for the upholding of advertisements, three online marketing activities have been partly changed by the respective advertising company. Two advertisements have been put off the market and another two marketing activities have been publicly rebuked on the part of the German Advertising Standards Council.

One complaint that was originally filed towards the self-regulating council was forwarded to the Centre Protection against Unfair Competition. Relating to this complaint as well as to the one that was directly filed towards the statutory institution, legal action was promptly initiated. Consequently both advertising companies were asked to give an undertaking with a certain grace period.

Although more than half of the complaints have been successful, the consequences initiated by the self-regulating committee were neither effective than sustainable. Indeed, two marketing activities have been put off the market; but the herewith objected products are now marketed and sold within various online shops. In fact, two marketing activities have been officially reprimanded; but subsequent to these rebukes the objected products were gaining more and more popularity within the German population.

In addition, the decisions of the self-regulating council were oftentimes inconsistent. For instance, one marketing activity has been publicly rebuked by the committee whereas another criticism against a very similar product has been promptly rejected.

In order to reveal the inefficient and inconsistent operations of the German Advertising Standards Council and thus the weak self-regulating system in Germany, the DHS publishes a press release on the 12th August 2010 (see appendix 6). But as the members of the council are all representing the interests of the advertising and the producing industry there was little response to the public release.

In contrast to the functioning of the self-regulating system, the consequences initiated by the statutory council have been effective and sustainable. After the expiry of the grace period within a given undertaking the respective companies have been put off the market and the corresponding marketing activities completely off the market.

For the AMMIE project, 15 of the 19 advertising practices against which complaints had been filed in 2010 as well as the two objections, were selected and described in the following. The 15 advertising practices covered a total of 35 sub complaints.

Table 2⁷: Numbers of complaints about alcohol commercials in 2010

Number of complaints:	
Upheld	6
Not upheld	9
Repealed by the DHS	2
Total filed complaints 2010	17

3.1 Overview of complaints by theme

Based on the different paragraphs of the German “Code of Conduct on Commercial Communication for Alcoholic Beverages”, each complaint has been assigned to a special theme. The allocation to the various topics (namely “Minors”, “Disinhibition”, “Sportspersons”, “Sexual denigration and discrimination“, “Sexual success/ Improvement of physical performance” and “Health Claims”) was derived from the main grievances of the individual complaint. Other grounds that are concomitantly mentioned within the respective complaints are also listed under the main topic.

Table 3 reveals an overview of all the project-relevant complaints filed in 2010 as well as of the reaction of the advertising committees and the corresponding judgement of the selected youngsters. The following sections of this chapter again deliver a detailed description of the objected marketing activities, the respective complaining procedure as well as the youngsters’ opinion with regard to the different ads. The outcomes of the youth panel ratings are either indicated in natural numbers or in percentages.

⁷ Source: Own illustration

Table 3⁸: Summary of Advertisements, Complaints by Theme, Judgment of Committee and the Opinion of Youngsters

Case	Advertisement	Themes of (sub)complaints	Number of (sub)complaints	Judgement of committee	Opinion of youngsters
1	Astra (Online marketing activity)	Minors	1	not upheld	Disagree
		Age of depicted individuals	1	upheld	Agree
		Abusive Consumption	1	not upheld	Disagree
		Denigration and discrimination	1	not upheld	Not asked
2	V+ friends (Online marketing activity)	Minors	1	not upheld	Not asked
		Age of depicted individuals	1	upheld	Not asked
3	V+ Kuruba (Sponsoring advice on TV)	Minors	1	not upheld	Disagree
		Age of depicted individuals	1	not upheld	Not asked
4	V+ Energy (Sponsoring advice on TV)	Minors	1	not upheld	Not asked
		Age of depicted individuals	1	not upheld	Not asked
5	Havana Club (Print ad)	Disinhibition	1	not upheld	Disagree
6	König Pilsener (TV commercial)	Sportspersons	1	not upheld	Disagree
		Sportive success	1	not upheld	Agree
7	Bitburger (TV commercial)	Sportspersons	1	not upheld	Disagree
		Physical performance	1	not upheld	Agree
		Abusive Consumption	1	not upheld	Not asked
	Objection				-
8	Bitburger (Sponsoring advice on TV)	Sportspersons	1	not upheld	Not asked
		Physical performance	1	not upheld	Disagree
9	Bitburger (Sponsoring advice on TV)	Sportspersons	1	not upheld	Not asked
		Physical performance	1	not upheld	Disagree
10	Paulaner (Online marketing activity)	Sportspersons	1	not upheld	Disagree
		Abusive Consumption	1	not upheld	Not asked
		Minors	1	not upheld	Disagree
11	KaMu Original (Online marketing activity)	Denigration and discrimination	1	upheld	Not asked
		Minors	1	not upheld	Disagree
12	Kalte Muschi (Online marketing activity)	Denigration and discrimination	1	not upheld	Not asked
		Minors	1	not upheld	Not asked

⁸ Source: Own illustration

13	Krugmann Markenspirituosen(Online marketing activities)	sexuall suces	2	not upheld	Disagree
		Physical performance	2	not upheld	Disagree
		Health claims	1	upheld	Not asked
	Objection			not upheld	-
14	Toy4me (Online marketing activities)	Health claims	2	upheld	Agree
15	Toy4me (Online marketing activities)	Denigration and discrimination	1	not upheld	Not asked
Total			35	Upheld 6 Not upheld 29	Disagree 15 Agree 5 Not asked 15

3.1.1 Minors/ Age of depicted individuals

* *Advertisement of Astra*

General information

On the 8th of February 2010 a complaint against the commercial contents of the website www.astra-bier.de promoting the beer brand 'Astra' was filed towards the German Advertising Standards Council. The [multiplicity](#) of alcoholic products, sold under the umbrella brand of Astra, are produced by the Holsten-Brauerei AG⁹ and marketed within the greater region of Hamburg in Northern Germany. There (and also in many other parts of the country) Astra is known for its promotional activities, ranging from the sponsorship of the popular sports club "FC St. Pauli", the realization of poster campaigns on bus stops and the organization of the so called 'World Astra Day', an annual event with performances of famous bands, the serving of free beer etc. at the harbor in Hamburg. Due to the location of its production site in Hamburg's quarter St. Pauli, Astra is moreover instantaneously associated with the local red light district.

Main reasons for the complaint

In order to protect adolescents from alcohol-related damage, the producers and importers of alcoholic beverages commit within the 'Code of Conduct on Commercial Communication for Alcoholic Beverages' to prevent marketing activities from being misconstrued as targeting minors. The Holsten Brauerei AG, however, does not comply with this self-commitment.

Within the web presence of Astra, the animated character 'Paul' (see figure 2) leads the visitors of the site through the virtual trailing red light district of St. Pauli. The withal used colours, animations and the catchy

⁹ The Holsten-Brauerei AG is owned by Carlsberg.

background music can be assigned to the youth culture. In the virtual club “Vis-à-Vis”, which can be entered through a mouse click, the visitors are addressed informally (see figures 3 and 4) and the employed expressions belong to a style of speech that is almost exclusively used by young people. Moreover, according to the DHS, the online advertisement violates § 9 ‘Age of Depicted Individuals’ of the self-regulating code, stipulating that “individuals depicted in commercial communication for alcoholic beverages must at minimum be and give the impression of being young adults”. The displayed figures on the website, however, (especially the barkeeper on figure 2 and the persons illustrated on figure 3) look less like young adults than like youngsters with childlike facial features.

Figure 2¹⁰



Figure 3⁹



Figure 4⁹



¹⁰ Source: www.astra-bier.de [18.02.2010]

Other reasons for the complaint

Apart from the theme “minors” the marketing activity is moreover in breach with § 1 ‘Abusive Consumption’ (4) of the code underlining that commercial communication shall promote a responsible use of alcoholic beverages. The website, which can be used from the age of 16, however, provides associations with gambling being forbidden until the age of 18.

Furthermore the advertisement obviously violates the “Code of Conduct on Personal Denigration and Discrimination“ inter alia stipulating that commercial-based representations and claims must be avoided if they are in conflict with prevailing general basic convictions (for example with excessive nudity) and if they reduce persons to their purely sexual function. In some part of the internet presence a nearly naked woman is displayed, apparently for the sake of sales promotion.

Judgement of the German Advertising Standards Council: partially upheld and partially not upheld

On the 15th of February 2010 the DHS received an intermediate reply by the advertising council stressing that the Holsten-Brauerei AG was asked to submit comments on the complaint.

On the 1st of March the final reply was sent out with the result that the complaint against § 9 of the Code was upheld. Consequently the advertising company put the club “Vis-à-Vis” and thus the characters with the childlike facial expressions off the web presence. In addition, the first-name basis was raised to a formal basis. The other criticisms, however, were rejected on the part of the committee, for the following reasons:

- *The design elements used on the website are not clearly directed at children and young people. The character ‘Paul’ gives the impression of being a young adult; the background melody is reminiscent of organ music and do not belong to those music styles being popular among adolescents. Finally the color design of the webpage is not clearly appealing to children and youngsters.*
- *Within the internet presence there is no link between the consumption of alcoholic beverages and gambling.*
- *There is no violation of the Code of Conduct on Personal Denigration and Discrimination. In the spatial context of the red light district the sight of half-naked women should be assessed differently than in the public space. A degradation of women in terms of a reduction to a purely sexual function is not evident.*

Opinions of the youngsters

Within the youth panel rating the participants of the survey were asked to judge the prevailing marketing activity with respect to the youth-related issues as well as to the criticism about gambling¹¹.

¹¹ Due to the unacceptability to present minors obscene depictions of a half-naked woman, questions about the denigration and discrimination of the female gender were left out here.

In terms of the theme “minors”, a multiplicity of the questioned pupils stated that the commercial contents on the website (60%) and the promoted product (40%) are designed to attract children and youngsters. Furthermore, in the opinion of the youngsters the advertisement itself (15), the employed animations and humoristic elements (20), the language style (24) and also the colours (19) were appealing to their peers. Lastly, nearly all respondents (25) had the impression that the persons depicted within the marketing activity are looking very young. While 22 pupils indicate that they seem to be aged between 18 and 25, still eight persons thought that they are certainly younger than 18 years old

With regard to the apparent violation of the alcohol-related self-regulating code (§ 1 ‘Abusive Consumption’, part 4) and the corresponding criticism about the elements of gambling, more than half of the respondents (53,3%) stated that the advertisement displays an activity that should not be linked with drinking alcohol.

Conclusions

While the judgements of the advertising committee and the questioned youngsters are congruent respecting the young appearance of the depicted characters, the assessments of the other criticisms are differing considerably. According to the council the design elements (the character ‘Paul’, the music and the colors) used on the website are not clearly directed at children and young people. 60% of the young respondents, however, found that the commercial contents of the page, being shaped by just these elements, are clearly designed to attract children and youngsters. Whereas, i.e., the committee stressed that the color design of the webpage is not clearly attracting minors, the respondents indicated that the colors used within the web presence appeal to persons in their age group.

Moreover, after seeing the screenshots of gambling elements, a multiplicity of the pupils underlined that the advertisement displays an activity that in real life should not be linked with the consumption of alcohol. The German Advertising Standards Council, however, claims that there is no link between the consumption of alcoholic beverages and gambling.

Unless some parts of the website were changed in subsequence of the written complaint, the objected company as well as the advertising council do not fully implement the youth-related self-commitment of the industry intending to prevent marketing activities from being misconstrued as targeting minors.

*** Advertisement of Veltins V+**

General information

In the early year of 2010 the DHS filed three complaints against marketing activities for the beer Veltins V+, of which two were related to sponsoring advices on TV and one to commercial contents on the website www.vplusfriends.de. The numerous pre-mixed beverages, produced and marketed by the ‘Brauerei C. & A.Veltins GmbH & Co. KG’ under the umbrella brand Veltins, are available in six different variations, namely: V+ Cola, V+ Lemon, V+ Apple, V+ Grapefruit, V+ Energy and V+ Curuba. Because of the sweet

taste and the promotion activities of the brewery (like the sponsorship of casting shows like “Popstars”), the V+ products are very appealing to youngsters.

V+ Website

Reasons for the complaint

On the 3rd of March 2010 a variety of elements within the V+ website were objected at the German Advertising Standards Council.

In contrast to the youth-related self-commitment of the alcohol industry, most of the commercial contents on the web presence are obviously aimed at adolescents. First of all the users of the website are addressed informally (see figure 5). Moreover the webpage’s ‘party calendar’ announces events which exclusively respond to an adolescent public. The employment of expressions like “cool” finally stresses the company’s intention to target young people.

Furthermore a violation against § 9 ‘Age of Depicted Individuals’ can be listed within the webpage. The promotional photos, being placed all-around the site, do not present young adults, but certainly minors (see figures 6, 7 and 8).

Figure 5¹²



Figure 6¹¹



Figure 7¹¹



Figure 8¹¹



Judgement of the German Advertising Standards Council: partially upheld and partially not upheld

On the 10th of March 2010 an intermediate reply was sent out by the committee stressing that the advertising company was asked to give comments on the complaint.

On the 17th of March the final reply was released stating that the complaint against § 9 of the Code was upheld. In order to avoid targeting children and young people, the Brauerei C. & A.Veltins GmbH & Co. KG has replaced the corresponding photos.

The other criticisms, however, were rejected on the ground that they are unfounded:

- *The 'party calendar' exclusively addresses persons that are - in accordance with the existing youth protection laws - allowed to attend the announced events. In addition, there is no evidence that the announcements of events within the respective web presence clearly target young people.*
- *The first-name-basis as well as the expression "cool" is not specially assigned to the language style of young people. Both phrases are, not least because of the Anglo-American influences on the German language, also commonly used by adults.*

Comments

Even if the advertising company replaced the objected photos shortly after the receipt of the complaint, some photos (i.e. the one in figure 8) are now appearing again within other parts of the website. As the German Advertising Council in general close the proceedings after the modification of a marketing activity on the part of the respective company, there is no obstacle for the advertising company to relaunch former parts of an advertising campaign. This again underlines the inadequacy of the German self-regulating system.

Sponsoring Advice about V+ Curuba

Reasons for the complaint

On the 22nd of February 2010 a complaint was filed against a sponsoring advice for the pre-mixed beer beverage V+ Curuba being broadcasted on the TV channel VIVA in January 2010. Music channels such as VIVA or even MTV, upon which the spot was expatiated as well, are primarily watched by a younger public that (of necessity) not only consume the music reviews but also the sponsoring advices to the respective programs.

The instant ad displays a horde of young people hilariously celebrating and dancing to a catchy melody in a subway wagon. Because of the informal language style, the employment of juvenile expressions like "cool tracks" and "phat beats" as well as the memorable background music and the lively atmosphere in the scene, the clip is, according to the DHS, aimed at minors and therefore in breach with the self-commitment of the alcohol industry. Employing exceedingly young looking models, the marketing activity moreover violates § 9 of the self-regulating codex.

Figure 9¹³



Judgement of the German Advertising Standards Council: not upheld

On the 16th of March 2010 the advertising council notified that the Brauerei C. & A.Veltins GmbH & Co. KG was asked to submit comments on the complaint. Another two weeks later the committee stated: “After a thorough review of the ad and with consideration to the comments of the company we came to the conclusion that the marketing activity is not objectionable”.

The design elements (acting characters, the first-name-basis, and the background music) as well as the linguistic expressions used in the spot are not clearly directed at children and young people.

- *The sponsoring advice does not violate § 9 of the code. The actors give the impression to be young adults. Truly the protagonists act mainly in a juvenile exuberant way or rather not in a typical adult way. But such a behavior does not implicate a breach of this conduct rule.*

Sponsoring Advice on V+ Energy

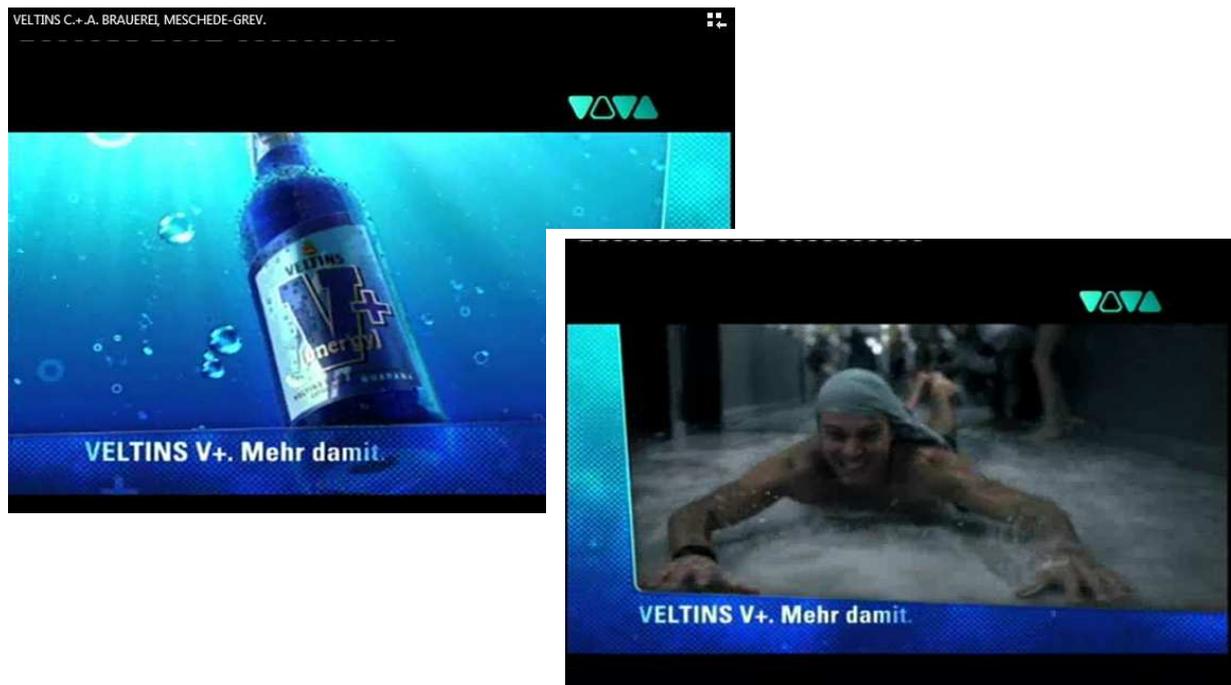
On the 22nd of February another sponsoring advice of the Brauerei C. & A.Veltins GmbH & Co was objected at the German Advertising Council. In this spot the premixed beverage V+ Energy is advertised in a similar way as the previously illustrated advertisement of V+ Curuba: A large number of very young

¹³ Source: Ad Library, Nielsen Media Research 2010

looking people are celebrating to a catchy melody and moreover cheering on a male juvenile who slides with his whole body over the wet ground of the venue.

As the content of the complaint as well as the outcome of the complaining process was the same as within the marketing of V+ Curuba, there is no need to describe the procedures in detail. However, it has to be pointed out that the complaint was rejected on the part of the council.

Figure 10¹⁴



Opinions of the youngsters

Since three advertisements of the 'Brauerei C. & A.Veltins GmbH & Co. KG' have been objected within the project, the leading management of STAP decided to involve just one marketing activity in the youth panel rating, that is the sponsoring advice of V+ Curuba (see figure 9).

According to the majority of the respondents, the prevailing clip (25) as well as the promoted product (19) is designed to attract children and youngsters. Furthermore, almost all pupils stated that the spot itself (24), the protagonists (22), the languages style (28), the colours (29) and the music (29) are appealing to their peers. Finally, all participants of the survey found that the elements used in the spot are connected to youth culture.

Conclusions

The assessment of the youngsters differs completely from the final decision of the German Advertising Council. While the committee stated that the design elements as well as the linguistic expressions within the advertising activity are not clearly directed at minors, the participants are convinced that the prevailing

¹⁴ Source: Ad Library, Nielsen Media Research 2010

spot was designed to attract young people and that all promotional tools used in the clip appeal to their peers. So just like in the advertisement of the Astra beer, the Code of Conduct on Commercial Communication for Alcoholic Beverages is an ineffective tool to prevent that alcohol advertisement is being misconstrued as targeting minors.

3.1.2 Disinhibition

***Advertisement of Havana Club**

General information

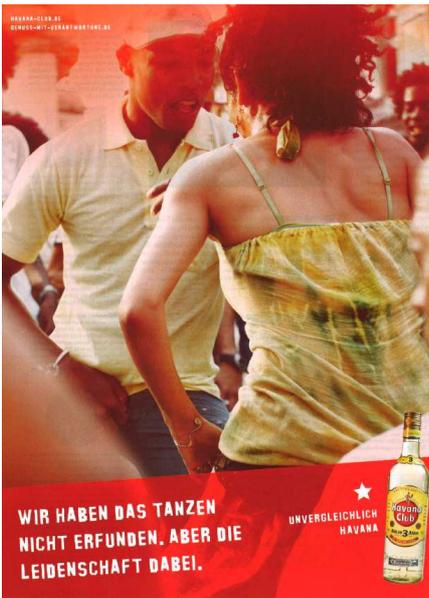
On the 9th of December 2010 a print ad on the spirit "Havana Club", being taken out by the Havana Club International S.A./ Havana Club Holding in the December issue of the city magazine "Prinz", was objected towards the German Advertising Council. The Cuban rum is a very popular beverage in Germany: Being mixed with coke it is commonly sold as a long drink in bars, clubs and discotheques and therefore well-known among young people.

Reasons for the complaint

Within the German advertising codex, the alcohol industry commit "to prevent representations and claims made in commercial communications from being misconstrued as promoting abusive consumption of alcoholic beverages". Within the prevailing marketing activity the Havana Club International S.A./ Havana Club Holding does not comply this self-commitment.

The ad superficially illustrates two persons hilariously dancing in a public space. At the bottom of the display a bottle of the Havana Club rum is printed, together with the slogan: *We haven't invented dancing. But the passion along with it* (see figure 11). According to the DHS the advertisement suggests that the consumption of the promoted spirit has a positive impact on the dancing style of a human being. Consequently, people being shy and unsure about the perceived image of their dancing style, may credit a disinhibiting effect as well as an increase of charisma and passion for dancing with the consumption of the Havana Club rum. This again may lead to an intense and thus harmful/ abusive consumption of alcohol. For these reasons the print ad not only violates the above mentioned self-commitment of the alcohol industry but also § 7 'Anxiety, disinhibition and conflict' (1) of the advertising code, stressing that "commercial communication shall not make any claim relating to the disinhibiting effect of alcoholic beverages".

Figure 11¹⁵



Judgement of the German Advertising Standards Council: not upheld

On the 14th of December 2010 the advertising council rejected the complaint as *it is considered to be manifestly unfounded. The advertising activity isn't in breach with § 7 (1) of the code since the picture does not imply a causal link between the consumption of the advertised spirit and a disinhibiting effect. The slogan as well as the display of the two dancers allude to the origin of the Havana Club Rum (Cuba) and thus convey the Cuban lifestyle of music, rhythm and passion. Accordingly the slogan 'We haven't invented dancing. But the passing along with.'* refers to the Cuban population, but not to the advertiser.

Opinions of the youngsters

Almost all respondents (83%) of the survey thought that the product promoted in the prevailing print ad has a disinhibiting effect on human beings. Around 70% additionally stated that the advertisement encourages children and youngsters to consume alcoholic beverages.

Conclusion

The judgement of the German Advertising Council is completely contradictory to the assessment of the questioned youngsters. While the committee asserts that the prevailing commercial does not make any claim to the disinhibiting effect of alcoholic beverages, the majority of the youngsters deduced from the picture that the promoted product has a disinhibiting influence on consumers and that the ad encourages young people to drink alcohol.

¹⁵ Prinz Berlin 2010

3.1.3 Sportspersons

* *Advertisement of König Pilsener*

General information

On the 16th of February 2010 the DHS complained about a TV commercial promoting the beer 'König Pilsener', produced and marketed by the 'König-Brauerei GmbH'. The spot was part of a marketing campaign in which the German celebrities Boris Becker (athlete), Til Schweiger (actor) and Herbert Seckler (gastronome) promote the brand 'König Pilsener' by functioning as 'ambassadors of beer'¹⁶.

The celebrities, especially Boris Becker and Til Schweiger, are well-known among German youngsters and certainly often function as role models and/ or adored idols.

Reasons for the complaint

In the objected commercial Boris Becker, publicly embodying the image of a professional tennis player, remembers his legendary Wimbledon victory in 1985. In this context a TV recording of the 'Wimbledon Tournament' is faded up, displaying the then 17-year old athlete winning the match ball. After this superimposition Boris Becker raise a glass and takes a sip of beer. The spot is hence in breach with § 3 'sportspersons' of the advertising code, underlining that "commercial communication for alcoholic beverages shall not show athletes drinking or promoting drinking". Moreover the slogan of the spot ("*Great Moments can be enjoyed again and again. König Pilsener, the king among all sorts of beers*") conveys an association between the consumption of the "König Pilsener" beer and sportive success. This association is also underlined by statements on the website of the advertiser (www.koenig.de) like: "*The king of tennis for the king among beer.*" etc.

¹⁶ Information about the stars functioning as "ambassadors of beer" were also available within the web presence of the König-Brauerei GmbH: <http://www.koenig.de/botschafter/> [16.02.2010].

Figure 12¹⁷



Judgement of the German Advertising Standards Council: not upheld

On the 3rd of March 2010 the German Advertising Standards Council rejected the complaint since *it isn't objectable*.

- *As Boris Becker has been resigned from competitive sports a long time ago, the commercial does not display a drinking athlete and thus does not violate § 3 of the codex. In addition, children and youngsters certainly not having witnessed his active sports career may rather consider him as a media star than as an athlete.*
- *The spot displays a flashback to Boris Becker's former career; and a link between his former performance and the consumption of alcohol is clearly not supplied within the commercial. Also the*

¹⁷ Source: Ad Library, Nielsen Media Research 2010

statements on the mentioned website refer to his previous career and not to a present sportive activity.

Opinions of the youngsters

Within the youth rating, the majority of the young respondents (97%) were of the opinion that the consumption of the promoted product neither contributes to sportive success nor to an improvement of physical performance. Almost half of the participants (43%), however, stated that the commercial highlights an activity (that is playing tennis) which should not be linked with the consumption of alcohol.

Finally, when asked whether the protagonist in the spot is known, 83% of the youngsters indicate that they know Boris Becker as an athlete or as an athlete and a media star. Just three persons solely know him as a media star, while another two indicate that the protagonist is unknown to them.

Conclusions

Contrary to the statement of the German Advertising Council, by far more than three quarters of the questioned youngsters know Boris Becker as an athlete. This fact significantly underscores the inadequacy of the German 'Code of Conduct'. § 3 'Sportspersons', indeed, stipulates that commercial communication for alcoholic beverages shall not show athletes drinking or promoting drinking. But although Boris Becker is not active in sports anymore, the majority of the youngsters know him as a sportsperson. So for them the TV commercial clearly displays an athlete drinking alcohol.

Moreover, even if the youngsters do not assign sportive/ physical success to the consumption of the marketed product, many of them stress that playing tennis should not be linked with the consumption of alcohol. For this reason even a flashback to a former sportive success should not be highlighted within a marketing activity for alcoholic beverages.

Although the complaint was rejected on the part of the advertising committee, the spot isn't broadcasted on TV anymore. In addition, Boris Becker does not function as an 'ambassador of beer' within the web presence of the advertiser any longer¹⁸.

*** Advertisement of Bitburger**

General information

At the beginning of June 2010 the DHS filed three complaints against marketing activities on the 'Bitburger' beer, of which one was related to a TV commercial and two to sponsoring advices referring to sports programs on public television. The three spots were part of an advertising campaign of the 'Bit-

¹⁸ The corresponding reasons are unknown.

burger Braugruppe GmbH' being launched in the run-up to the Football World Championship and declaring the Bitburger beer as the "official beer of the German national team". As the company serves as a premium partner of the German Football Federation, the clips of the campaign were broadcasted throughout the whole tournament.

TV commercial of Bitburger

Reasons for the complaint

The 47-second clip basically highlights the athletes of the German national team within typical locations such as the training ground (while training for a match), the hotel room (while relaxing), the locker room (while concentrating just before the start of a match) and the match ground (during successful playing scenes). In addition, the fans of the national team are illustrated, i.e. wearing the German jerseys, cheering on their team, celebrating a goal or drinking beer. Throughout the whole spot the logo of the umbrella brand Bitburger profoundly emerges on banners around the pitch or on beer crates and glasses (see figure 13).

On the 1st of June the TV commercial of the Bitburger campaign was objected to the German Advertising Council. According to the DHS the commercial violates several parts of the German advertising codex. In a sequence right at the beginning of the spot, two young men wearing the jersey of the German national team are loading numerous crates of Bitburger beer in the boot of their car. Shortly thereafter, three other persons appear in the scene carrying further crates of beer in the direction of the car. This leads to the conclusion that the five young men are planning to get drunk while watching the next football match. Accordingly the commercial violates § 1 'Abusive Consumption' (1) of the advertising codex, inter alia stipulating that commercial communication shall not promote abusive consumption of beverages.

Since the representation of the German athletes and the consumption of beer are closely linked within several scenes of the spot, the commercial is moreover in breach with § 3 'Sportspersons' underlining that marketing activities for alcoholic beverages shall not show athletes promoting drinking.

Finally § 8 'Performance' (1), which stresses that advertising shall not make any claim relating to the improvement of physical performance as a result of alcohol consumption, is disregarded within the marketing campaign. The interlocutory superimposition of successful playing scenes (successful tackles, headers etc.) may lead to the association that physical performance increases through the consumption of beer. This assumption is underlined by the slogan of the commercial "*Germany is celebrating. With Bitburger – The beer of our national Team*" suggesting that the success of the German team is due to the consumption of Bitburger beer.

Figure 13¹⁹



Judgement of the German Advertising Standards Council: not upheld

On the 3rd of June 2010, two days after the objection on the part of the DHS, the complaint was rejected by the advertising committee.

- *As the objected commercial promotes an alcohol-free beer ('Bitburger Alkoholfrei 0,0%'), the "Code of Conduct on Commercial Communication for alcoholic Beverages" cannot be applied to the judgement of the prevailing marketing activity. Truly the non-alcoholic beer is advertised under the umbrella brand of Bitburger. But due to the specific format of the commercial, the promotion of an alcohol-free product is clearly visible: The beer crates being loaded in the car boot are all furnished with the logo of 'Bitburger Alkoholfrei 0,0%'. Furthermore, just this logo is visibly faded in the final scene of the spot.*
- *Even if the commercial could be judged in terms of the advertising codex, the complaints against the paragraphs 1.1, 3 and 8.1 are unfounded: 1. The spot does not display athletes drinking or*

¹⁹ Extracted from: <http://www.youtube.com/watch?v=KH75VuLdYI4> [29.05.2010]

promoting drinking. 2. The commercial does not stress harmful patterns of consumption but the conjointly experience of the World Championship. 3. The campaign does not make any claim relating to the improvement of physical performance by the consumption of alcohol.

Objection on the part of the complainant

Because of the event-relatedness of the World Championship the DHS promptly submitted objection to the decision of the advertising council (8th of June 2010), giving the following reasons:

The specific design of an advertising campaign for a non-alcoholic product beer requires a permanent insertion of the logo 'Bitburger Alkoholfrei 0,0%' as well as the employment of the slogan "*Germany is celebrating. With Bitburger – the **alcohol-free** beer of our national team.*"

- In the 47-second clip just nine seconds (one fifth of the total running-time) refer to the alcohol-free product, while 15 seconds (one third of the total running-time) are related to the alcoholic Bitburger beer. Consequently the focus of the commercial is on the alcoholic beverage.

- The marketing campaign clearly links physical performance to the consumption of beer.

Re-judgement of the German Advertising Standards Council: not upheld

In accordance with the procedure rules of the advertising council, the committee asked the 'Bitburger Braugruppe GmbH' to submit comments on the complaint (10th of June). On the 28th of June the council finally released that the complaint could not be upheld.

Although just one fifth of the total running-time of the clip clearly relates to the non-alcoholic product 'Bitburger Alkoholfrei 0,0%', it is visible that the commercial promotes alcohol-free beer. So the clip cannot be judged in terms of the advertising codex. And even if a judgment is possible, the video does not implicate any link between the consumption of alcohol and sportive success.

Opinions of the youngsters

According to the questioned youngsters neither the prevailing commercial nor the advertised product was produced to attract minors. Around half of the respondents (52%), however, stressed that the spot is appealing to children and youngsters. This may be due to the fact that 96% of the participants know the sportive protagonists in the commercial and that 62,5% even consider them as sports idols.

Although the spots highlights the players of the German national team within sportive contexts, just one of the participants found that the consumption of the advertised product is followed by an improvement of physical performance. Six respondents, however, indicates (after having seen the spot) that the presented sportspersons are drinking beer alcohol within the commercial

Conclusions

In accordance with the judgement of the German Advertising Standards Council, the young respondents do not see any connection between the consumption of the herewith promoted beer and the improvement of physical performance. It is, however remarkable, that although the spot ostensibly promotes an alcohol-free product and the highlighted sportspersons are not exposed drinking alcohol, six persons indicate that the national team players are drinking beer within the scene. This leads to the conclusion that it is not entirely obvious that the prevailing commercial promotes an alcohol-free beverage.

Sponsoring advices of Bitburger

On the 2nd of June 2010 the DHS complaint against two sponsoring advices on the Bitburger beer, being regularly broadcasted in May before, between and after sports programs on public TV. The spots are short excerpts from the TV commercial described above. Unlike the long TV spot the two sponsoring advices do not provide any indication of the alcohol-free product 'Bitburger Alkoholfrei 0,0%'.

Reasons for the complaints

In the first advice German athletes such as Mario Gomez, Miroslav Klose, Philipp Lahm and Mesut Özil are displayed on the match ground in front of an applauding public (see figure 12, forth image). The second spot depicts the national player Mario Gomez playing a header. Terminally, in each case the filling of a glass with 'Bitburger' beer is illustrated.

As both spots represents active athletes within a successful playing situation, these parts of the Bitburger campaign are also obviously in breach with § 3 'sportspersons' and § 8 'performance' (1) of the German advertising codex.

Judgement of the German Advertising Standards Council: both complaints not upheld

On the 4th of June 2010 the committee rejected both complaints, for the following reasons:

Contrary to the statements made within the objections, the commercial spots do not show athletes drinking or promoting drinking.

- *A link between the improvement of physical performance and the consumption of alcoholic beverages has to be negated as well. Although the athletes of the national team are illustrated within successful scenes, the consumption of beer is not even subtly adumbrated within the described sequences. For this reasons the assumption of a coherence of an improved performance and alcohol consumption on the part of the viewer is almost impossible.*

Opinions of the youngsters

Just as within the judgement of the Bitburger TV commercial none of the questioned youngsters found that the prevailing sponsoring advice and the promoted product have been designed to appeal children and youngsters. Even just 20% thought that the spot is appealing to children and youngsters (compared to 52% positive opinions in terms of the TV commercial). This may be due to the fact that the two objected advices are extracted from the official TV spot and thus do not show the whole preparation procedure for the World Championship but just a short recess.

In contrast to the judgement of the TV commercial (one person), 60% of the respondents associate the prevailing sponsoring advices for Bitburger with sportive success. This again may be due to the fact that within the short clip just successful scenes of the German national team are highlighted. Moreover even 76% of the young participants indicate that the spot highlights an activity (that is playing football) that in real life should not be linked with drinking alcohol.

Conclusion

While the advertising council denied a correlation between the consumption of beer and an improvement of physical performance within the prevailing sponsoring advice, by far more than half of the youngsters assigned sportive success to the consumption of the promoted alcoholic beverages. This fact underlines that the opinions of young people were obviously not considered within the development of the self-regulating system of rules.

*** Advertisement of Paulaner**

General information

On the 13th of December 2010 a complaint was filed against several commercial contents on the website www.paulaner.de being operated by the 'Paulaner Brauerei GmbH & Co. KG' and promoting the famous beer brand 'Paulaner'. Paulaner is particularly marketed in the South of Germany and there (but also in other parts of the country) known for promotionally supporting the club "FC Bayern München", by far the most successful football team in Germany and therefore very popular among youngsters.

Reasons for the complaint

On the above mentioned webpage numerous athletes of the football club Bayer München are advertising the beer brand 'Paulaner' in line with a photo campaign (see figure 14). According to the advertising text the sportspersons are posing for the non-alcoholic product "Paulaner Hefe-Weißbier Alkoholfrei". The images (i.e. the one on top left and the one on bottom right), however, do not reveal any indication for an alcohol-free product. Also the logo of the brewery, which is depicted three times on the respective site, only refer to the umbrella brand of Paulaner (being generally associated with alcoholic beverages), but

not explicitly to the non-alcoholic beer. Consequently for those people not paying attention to long advertising texts (in general children and youngsters), it is not visible that the athletes promote an alcohol-free product. For this reason the campaign can be misconstrued as being addressed at minors and thus breaches the youth-related self-commitment of the industry.

Furthermore the marketing activity violates § 1 'Abusive Consumption' (1) as well as § 3 'Sportspersons' of the Code of Conduct. Another picture, being displayed within the prevailing internet presence, shows the athlete Ivica Olic drinking beer from a three-litre-cup (see figure 15).²⁰ This leads to the conclusion that the athlete consumes alcohol in excessive and thus harmful dimensions.

Figure 14²¹



Figure 15²⁰



Figure 16²⁰



²⁰ Again the picture does not reveal any indication of the beer being alcohol-free.

²¹ Source <http://www.paulaner.de/home.php#magazin> [13.12.2010]

Judgement of the German Advertising 'Standards Council: not upheld

On the 20th of December 2010 the complaint was rejected by the advertising committee, for the following reasons:

- *As the objected commercial promotes an alcohol-free beer "(Paulaner Hefe-Weißbier Alkoholfrei)", the "Code of Conduct on Commercial Communication for alcoholic Beverages" cannot be applied to the judgement of the prevailing marketing activity.*
- *Apart from that the photographs as well as the advertising text cannot be reckoned separately. They all belong to one campaign promoting a non-alcoholic product. This is also obvious to the visitors of the website.*
- *The marketing activity cannot be misconstrued as being appealing to youngsters as the commercial contents of the website do not contain elements of youth culture.*

Opinions of the youngsters

According to almost all youngsters (93%) it is not visible that the prevailing advertising review promotes an alcohol-free product. Furthermore half of the pupils stresses that the advertising strategy attracts people in the same age group.

Conclusion

Even if the advertising council asserts that the commercial contents on the prevailing part of the website cannot be misconstrued as being appealing to minors, a multiplicity of the young respondents are of the opinion that the web presence attracts their peers. This leads to the conclusion that not only elements of youth culture like special colours, animations and humoristic elements are appealing to young people but also the employment of sportive idols (or rather idols in general) such as the team players of the football club 'FC Bayern München'. Thus also the highlighting of popular persons within a marketing campaign can be misconstrued as targeting children and youngsters.

Furthermore, in contrast to the statement of the council, the majority of the survey participants stress that the marketing of an alcohol free product is not clearly obvious within the online extracts. This again implicates that either the advertisement of alcohol-free products has to be integrated in the alcohol-related self-regulating code or that every advice of an umbrella brand (which also symbolizes alcoholic beverages) or of alcoholic beverages in general has to be left out within an advertising campaign for non-alcoholic products.

3.1.4 Sexual denigration and discrimination

* *Advertisement of KaMu – Kalte Muschi*

General information

On the 28th of June 2010 the DHS objected to several commercial contents of the website www.kamu-original.de on which the 'KaMu Original GmbH' promotes its beverage 'KaMu – Kalte Muschi', a premixed drink consisting of coke and red wine and being sold in handy cans. According to the managing director of the company KaMu has been established as a standard drink in the German hockey landscape for quite some time.²² Accordingly it is clearly assigned to sportive activities in this country.

Main reasons for the complaint

In the German language the word "Muschi" (engl. pussy), which is part of the product name, has a double meaning. On the one hand the word is considered as a pet name for cats; on the other hand it is often misused to describe the female genitals.

Within the prevailing web presence the company clearly exploits the ambiguity of the term for the purpose of sales promotion. On the one hand a black cat is used as the promotional figure of the product; on the other hand the web presence is full of allusions to the female gender. This is especially evident in the slogan of the advertisement (see figure 19) which can be translated in the following way:

"Stephan says to Uschi:

I like your cold pussy!

Hereupon Uschi socks him

Because she doesn't want to share her coke and wine."

The employment of the word "Muschi" as well as the exploitation of the above-described ambiguity constitutes a discrimination against women. For this reason the marketing activity violates the self-regulating "Rules on Advertisement and its Appraisal" stressing that commercial communication should not foster or silently tolerate the discrimination on grounds of gender.

Other reasons for the complaint

Apart from the main topic "Sexual denigration and discrimination" the commercial contents of the website are moreover violating one of the self-imposed principles of the alcohol industry saying that marketing

²² In fact, the first German hockey league is sponsored by this premixed drink (see sports report of the AMMIE project).

activities should not target minors. According to the DHS the languages style of the advertising texts as well as the design elements on the website (see figure 17) as well as on the packaging of the beverages (see figure 18) such as the red colour and the “cute” black cat are clearly appealing to young people.

Furthermore the advertisement obviously disregards § 1 ‘Abusive consumption’, part 4 of the alcohol-related advertising codex underlining – amongst other things – that commercial communication shall promote responsible consumption of alcoholic beverages. In a radio interview, which is linked on the prevailing website under the heading ‘Presse/ Fans’, the managing director of the ‘KaMu Original GmbH’ stresses “*that KaMu is a refreshing, summerly drink that does not cause a hangover after having consumed the content of a few cans*”.

This statement does not promote a responsible consumption of alcohol, but subtly asks the listeners to an excessive und thus harmful consumption of the premixed beverage.

Figure 17²³



Figure 18²⁴



Figure 19²⁵



²³ Source: <http://www.kamu-original.de/> [28.06.2010]

²⁴ Source: <http://www.kamu-original.de/produkt.html> [28.06.2010]

²⁵ Source: <http://www.kamu-original.de/kontakt.html> [28.06.2010]

Judgement of the German Advertising Standards Council: partially upheld and partially not upheld

On the 2nd of July 2010 the German Advertising Council notified that the advertising company was asked to give comments on the complaint.

As the company have not reacted on this request, the committee itself finally took a decision which was released to the DHS on the 30th of July 2010. The complaint against violation of the “Rules on Advertisement and its Appraisal” was upheld. The above described slogan was acknowledged to be sexist and discriminatory. As the company again didn’t react on the council’s decision, the marketing activity was officially rebuked within a press release (see appendix 7).

The other criticisms, however, were rejected on the part of the advertising council, for the following reasons:

- *The design elements on the website are not directly aimed at minors. The red color which dominates within the prevailing internet presence is not exclusively appealing to youngsters and also comic illustrations like the black cat are not only popular among youngsters but also among adults (see i.e. the increasing popularity of manga all over the world). This argumentation also applies to the design of the beverage cans.*
- *The statements of the managing director cannot be objected as the consumption of a few cans cannot be equalized with excessive/ harmful alcohol consumption. The director even underlines that he does not want to invite consumers to rush to supermarkets (and buy the product).*

Opinions of the youngsters

Most of the young respondents (72%) indicated that the commercial contents of the website are targeting an audience older than 18 years and that the advertised product is primarily consumed by young adults aged between 18 and 25 (56%). More than half of the participants (52%), however, stressed that the advertisement as well as the advertised product was designed to attract children and youngsters. In addition, the majority of the young respondents stated that the advertisement itself (76%), the illustrations (76%), the humoristic elements (76%) and especially the languages style used within the website (88%) are very appealing to their peers and are thus connected to youth culture.

Within an open item, which should reveal the youngsters’ first impression when seeing the prevailing advertisement, many of the respondents stated that the advertised product looks less like an alcoholic beverages but more like an energy drink. Others notified that the contents of a pornographic website were displayed within the questionnaire. Still others (especially girls) lastly wrote that the advertisement promotes the desire to taste the product.

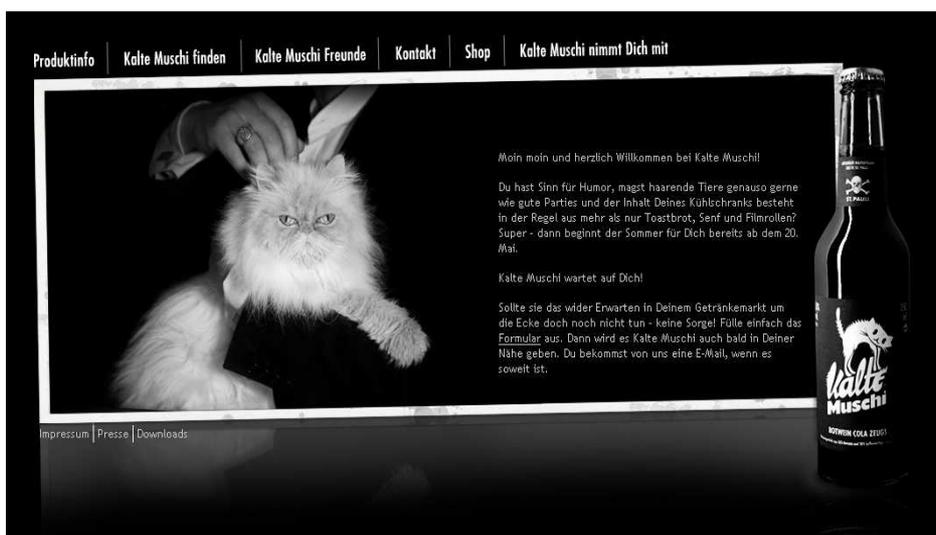
Conclusion

Many of the youngsters notified that the advertisement is targeting grown-ups and that the promoted product is primarily consumed by young adults. This may be due to the fact that the legal age for the consumption of wine-based beverages is 16 and that young adults moreover serve as role models for children and youngsters. In contrast to this assessment the majority of the respondents stated that the advertisement as well as the promoted products are designed to attract minors and that the commercial contents of the website are very connected to youth culture. This is completely contradictory to the judgement of the German Advertising Standards Council.

Additional comments

On the 5th of July 2010 the DHS complaint about the commercial contents of the website www.kalte-muschi.de on which the TSAC oHG promotes its beverage “Kalte Muschi”. Just as the above-illustrated drink KaMu, the “Kalte Muschi” is a mixture of coke and red wine. It differs, however, from the other beverages in the packaging (bottle with a black label and a white cat) and in the web-based presentation (see figure 20).

Figure 20²⁶



Just as within the complaint against the Kamu Original GmbH, the DHS objected – amongst other things – the ambiguity of the word “Muschi” and the derivable discrimination against women.

This time the complaint was rejected on the part of the council for the reason *that the term “Muschi” does not imply any gender-related discrimination. The product is mainly sold in the North of Germany where the expression “Muschi” is commonly used as a pet name for a cat. This argument is underlined by the pictorial representation of a cat. So, given the overall design of the website, this complaint has to be rejected.*

²⁶ Source: <http://www.kalte-muschi.de/?alter=abgehts> [06.07.2010]

This argumentation differs completely from the one in terms of the previously described advertising activity, even if both web presences misused the ambiguity of the word “Muschi” for reasons of sales promotion. This again leads to the conclusion that the German Advertising Standards Council arbitrarily responds to complaints that are filed on the part of the population.

3.1.5 Sexual success/ Improvement of physical performance

*** Advertisements of the Krugmann Markenspirituosen GmbH**

General information

On the 1st of June 2010 the DHS complaint about several product names and packaging designs of spirits drinks which are displayed on the website www.krugmann.com. Like the above-described drink “Eisprung” the prevailing beverages are produced and marketed by ‘Krugmann Markenspirituosen GmbH & Co. KG’.

The complaint of the DHS Council was filed towards the German Advertising Standards Council and primarily referred to three ‘liqueur shots’ (namely: ‘Kleiner Flutscher’, ‘Guten Morgen Latte’ and ‘Popsy Potenz’) being offered for sale under the heading “Sexy drinks

Kleiner Flutscher

Reason for the complaint

The liqueur “Kleiner Flutscher” (engl. Small slipper) breaches § 8 ‘Performance’, part 2 stipulating that “commercial communication shall not give the impression that consumption of alcoholic beverages promotes social or sexual success”. The salacious product name as well as the packaging of the drink, being covered by a condom, however, suggests that the consumption of the liqueur leads to sexual success.

Figure 21²⁷



²⁷ Source: https://shop.strato.de/epages/15477732.sf/de_DE/?ObjectPath=/Shops/15477732/Products/5920 [25.07.2011]

Guten Morgen Latte

Reasons for the complaint

The name of the below-illustrated coffee-cream-liqueur 'Guten Morgen Latte' (engl. Good Morning Latte) suggests that the advertised drink has a similar stimulant effect as coffee and thus enlarges physical performance. For this reason § 8 'Performance', part 2 of the advertising codex underlining that advertising shall not make any claim relating to the improvement of physical performance as a result of consuming alcoholic beverages is herewith violated. As the effect of alcohol is moreover defined down within the prevailing marketing strategy, the product also breaches § 1 'Abusive Consumption', part 4 stressing that commercial communication shall promote responsible consumption of alcoholic beverages.

Figure 22²⁸



Popsy Potenz

Reasons for the complaint

According to the DHS, the product 'Popsy Potenz' (engl. Popsy Potency) firstly violates § 5 "Health Claims", part 2 of the advertising codex stipulating that commercial communication should not assign any medicinal effect to alcoholic beverages. The name 'Popsy Potenz', however, procures the impression that the alcoholic drink has a potency-enhancing effect and thus functions like a medicinal product.

In addition, the beverage obviously breaches § 8 'Performance', parts 1 and 2 of the advertising code inter alia underlining that advertisement shall not make any claim relating to the improvement of physical performance and sexual success by consuming alcoholic beverages. The product name and the accompanying text "fig liqueur with aphrodisiacs", however, suggest that the drink enlarges physical performance and moreover leads to sexual success on the part of the consumer.

²⁸ Source: https://shop.strato.de/epages/15477732.sf/de_DE/?ObjectPath=/Shops/15477732/Products/1031 [25.07.2011]

Figure 23²⁹



Judgement of the German Advertising Standards Council: partly upheld and partly not upheld

On the 4th of June 2010 the complaint was rejected on the grounds that the criticisms are outside the jurisdiction of the German self-regulation system. The “Code of Conduct on Commercial Communication for alcoholic beverages” refers to the marketing of products being characterized by slogans, design elements and expressions of opinions and being aimed at the promotion of sales. The concept of advertising, however, cannot be equated with the product itself or its packaging and design.

Within the objected web presence of Krugmann Markenspirituosen GmbH & Co. KG the above-described products are not advertised but simply listed without any description and praising on the part of the producing company. As the complaint therefore just refers to the names of products and their presentation, it cannot be judged by the advertising council.

However, on the 23rd of June 2010 the German Advertising Standards Council released a new notification, stressing that the contents on the website www.krugmann.com were re-examined by the committee under the aspects of fair competition. Within this process the committee identified several product names³⁰ that may be in breach with corresponding statutory regulations. For this reason the complaint was forwarded to the Centre for Protection against Unfair Competition.

According to the notification of the Advertising Council the Centre again found that the product names “Popsy Potenz” and “Popsy Energy” (another drink being offered on the website) are in breach with the existing statutory regulations³¹. For this reasons the centre issued a warning, after which the advertising company declared an undertaking with a grace period until the end of December 2010.

In fact, since January 2011 the appropriate beverages are no longer sold under the names ‘Popsy Potenz’ and ‘Pospsy Energy’ but under the labels ‘Popsy Blue’ and ‘Popsy Red’.

²⁹ Source: <http://www.krugmann.com/pages/startseite.html> [01.06.2010]

³⁰ concrete information is missing

³¹ Even if it's clear that the product names are violating the “Health Claims” Regulation of the EC, the advertising council reveals no information about the name of the law and the corresponding paragraphs.

Objection on the part of the complainant

Despite this positive development, the DHS filed a protest against the original rejection on part of the German Advertising Council (28th of June 2010).

According to the Green Paper “Commercial Communication in the Internal Market” of the European Commission (1996) the promotional labelling and packaging is – amongst other things like product placement, sales promotions, etc. – an important tool of commercial communication. And as seen above the alcohol industry often uses flashy packaging (see advertisement on ‘Eisprung’) as well as catchy names (see Kalte Muschi) for reasons of sales promotion. Against this background and according to the DHS the judgement of the objected products “Kleiner Flutscher” and “Guten Morgen Latte” thus falls in the scope of the German Advertising Council.

Re-judgement of the German Advertising Standards Council: not upheld

In accordance with the procedure rules of the advertising council, the committee asked the ‘Krugmann Markenspirituosen GmbH & Co. KG’ to submit comments on the complaint (2nd of July 2010). On the 16th of July 2010 the council finally released that the complaint could not be upheld, for the following reason:

- *The definition on commercial communication in the Green Paper of the European Commission is not transferable to the rules of conduct, composed by the German Advertising Standards Council. Product names and packaging of alcoholic products are excluded from the self-regulating system insofar as they are not integrated in a marketing activity. Thus the prevailing beverages are outside the jurisdiction of the council. Moreover they are not breaching any existing statutory rule.*

For the same reason a complaint of the DHS (13th of December 2010) against the spirits drink “Schlupferstürmer” (engl. panties striker; see figure 24) being offered for sale in the ebay-online shop “Toy4me” was rejected on the part of the advertising council. According to the DHS the product name suggests that the consumption of the alcoholic beverages promotes sexual success. The committee negated the complaint as the presentation of the product is not integrated in a marketing activity and is thus outside the jurisdiction of the council.

Figure 24³²

Kirsche mit Wodka
Schlüpfen - Stürmer.
Darf in keiner Bar fehlen :-)



This leads to the conclusion that in Germany the naming and the packaging of alcoholic products are generally excluded from the self-regulating system.

Opinions of the youngsters

As the beverage ‘Popsy’ was indirectly assessed by the youngsters within the rating of the website www.popsy.de (see chapter 3.1.4), it was decided to just involve the beverages “Kleiner Flutscher” and “Guten Morgen Latte” within this panel.

With respect to the spirit shot “Kleiner Flutscher”, almost half of the young respondents were of the opinion that the packaging of the beverage (48%) and even the product itself (40%) was designed to attract children and youngsters. Furthermore, a multiplicity of the participants found that the humorous elements (80%) and the picture on the packaging (73%) is significantly appealing to their peers. Lastly, 22 of the young pupils indicate that the product is promoted as enhancing sexual success, and 7 youngsters even stress that their peers assigned sexual success to the consumption of the spirit product.

With regard to the coffee-cream liqueur ‘Guten Morgen Latte’, a majority of the young respondents stated that the presentation of the product like the picture on the packaging (80%), the name of the liqueur (73%) and thus the advertisement (44%) are appealing to their peers. More than half of the youngsters even thought that the product is promoted as being healthy or rather having therapeutic qualities (73%) and yielding sexual success (52%).

³² Source: <http://cgi.ebay.de/Schlupfen-Sturmer-Party-Geschenk-Likor-Neu> [6.07.2010]

Conclusion

The assessment of the youngsters highlights that the naming and the packaging of products are an effective way to attract potential customers, especially young people being generally allured by humoristic and memorable elements within marketing strategies (Haustein & Schreckenber 2002). For this reason and also in accordance with the above cited definition of the European Commission, product names and package designs are serving as effective tools of sales promotion and must therefore be declared as advertising instruments, even if the display of an alcoholic product is not integrated in a marketing activity. The self-regulating rules of the German Advertising Standards Council and even statutory regulations (with the exception of the Health Claims Regulation) in Germany do not follow the requirement of the Commission. As a result, the alcohol producers are obviously free to name and design their products ad libitum without having to expect any sanctions or other severe consequences.

So as the exclusive naming and packaging of alcoholic products are not integrated in German advertising regulation, there is a great gap in the German system being significantly exploited by the industry.

3.1.6 Health Claims

**** Advertisement of the online shop Toy4me***

General information

On the 6th of July 2010 the DHS filed a complaint towards the Centre for Protection against Unfair Competition concerning several alcoholic products that have been sold by the company 'Toy4me' (www.toy4me.eu) within an ebay-onlineshop under the heading "Geschenkartikel – lustige Liköre" (engl. gifts – funny liqueurs).

Reasons for the complaint

The product names of the high-proof spirits 'Kanister Stress-Hilfe' (engl. canister stress help; see figure 25) and 'Potenz Tröpfchen' (engl. potency drops; see figure 26) are obviously in breach with article 4 (3) of the "Regulation on nutrition and health claims made on food" by the European Parliament and the Council stipulating that "beverages containing more than 1.2 % by volume of alcohol shall not bear health claims".

The name "Kanister Stress-Hilfe", however, suggests that the consumption of the drink is followed by a reduction of stress. The name "Potenz Tröpfchen" then conveys the impression that the drink promotes the sexual potency.

Figure 25³³

Neu **Neu** **Neu**

**Haben Sie Stress?
Hier kommt Hilfe.....
die Beruhigungs reserve..!
Darf in keiner Bar fehlen :-)**



Figure 26³⁴

**Kirsche mit Wodka
Potenz - Tröpfchen.
Darf in keiner Bar fehlen :-)**



Judgement of the Centre for Protection against Unfair Competition: upheld

On the 14th of July 2010 the statutory committee notified that the complaints against both products were upheld. As a consequence the advertising company was asked to declare an undertaking with a grace period.

Opinions of the youngsters

As the packaging of the beverage “Potenz-Tröpfchen” was – according to the coordination of the DHS – too repugnant for the presentation to minors, the participating youngsters were solely asked to judge the advertisement of the spirits product “Kanister Stress Hilfe”.

Most of the young respondents (83%) thought that the product is promoted as being healthy or rather having therapeutic qualities. More than half of the participants even stated that the advertisement encourages children and youngsters to consume alcoholic products.

Conclusion

In this case the assessment of the youngsters is totally conforming to the judgement of the Centre for Protection against Unfair Competition.

³³ Source: <http://cgi.ebay.de/Geburtstags-Geschenk-Kanister-Stress-Hilfe-Neu-/120568323814?cmd=ViewItem&pt=Sprituosen&hash=item1c126e9ee6> [19.05.2010]

³⁴ Source: <http://cgi.ebay.de/Potenz-Tropfchen-Party-Geschenk-Likor-Neu-/380219252679?cmd=ViewItem&pt=Sprituosen&hash=item5886d55fc7> [19.05.2010]

4. The youngster's opinion vs. the assessment of the advertising committees

The results of the study deliver valuable clues with regard to fractions between the ratings of young people and the judgements of public bodies.

As described in chapter 3 and displayed in table 4, the opinions of the questioned youngsters oftentimes differ from the assessment of the advertising committees. In more than half of the 20 subcomplaints (17), being included in the youth panel ratings, the adolescents disagreed with the judgments of the advertising bodies. The most significant differences were related to the themes "minors" and "sexual success/ improvement of physical performance". Whereas the German Advertising Standards Council, for instance, often denied a link between linguistic expressions, colours, catchy melodies and the employment of celebrities and the targeting of minors, the participants of the survey indicated in most cases that such elements and thus the corresponding advertisements are clearly appealing to peers and even encourage them to taste the promoted products. In particular the naming and the packaging of alcoholic products, whose judgment is apparently outside the jurisdiction of the council, have been appealing to the youngsters. These results clearly reveal that the advertising committee oftentimes rejects complaints about marketing activities that are appealing to young people.

Furthermore, in the majority of cases (six out of seven) where the self-regulating advertising committee negated an obvious link between the consumption of alcohol and the improvement of sexual/ physical success within a commercial campaign, the surveys' participants stated the contrary. This was also the case within complaints concerning articles about sportspersons, disinhibition and abusive consumption.

This again shows that the perception of consumers differs significantly from the opinion of the Advertising Council.

Solely within the judgment of complaints with regard to the topic 'health claims', where the corresponding advertiser were asked to give an undertaking, the two parties have agreed.

Table 4: Summary of agreements and disagreements by theme between the advertising committees and the youngsters in Germany

Themes	Number of complaints	Judgement of complaints by Committee	Opinion of youngsters (16 or more)	Conclusion
Minors/ Age of depicted individuals	11	Upheld 2	Agree 1 Disagree 0 Not asked 1	Agreements: 1
		Not upheld 9	Agree 0 Disagree 4 Not asked 5	Disagreements: 4
Disinhibition	1	Upheld 0	Agree 0 Disagree 0 Not asked 0	Agreements 0
		Not upheld 1	Agree 0 Disagree 1 Not asked 0	Disagreements 1
Sportspersons	5	Upheld 0	Agree 0 Disagree 0 Not asked 0	Agreements 0
		Not upheld 5	Agree 0 Disagree 3 Not asked 2	Disagreements 3

Denigration and discrimination	4	Upheld 1	Agree 0 Disagree 0 Not asked 1	Agreements: 0
		Not upheld 3	Agree 0 Disagree 0 Not asked 3	Disagreements: 0
Sexual success/ Improvement of physical performance	7	Upheld 0	Agree 0 Disagree 0 Not asked 0	Agreements 1
		Not upheld 7	Agree 1 Disagree 6 Not asked 0	Disagreements 6
Health Claims	3	Upheld 3	Agree 2 Disagree 0 Not asked 1	Agreements 2
		Not upheld 0	Agree 0 Disagree 0 Not asked 0	Disagreements 0

Themes of subcomplaints	Number of (sub)-complaints	Judgement complaints by Committee	Opinion of youngsters (16 or more)	Conclusion
Abusive Consumption	3	Upheld 0	Agree 0 Disagree 0 Not asked 0	Agreements 0
		Not upheld 3	Agree 0 Disagree 1 Not asked 2	Disagreements 1
Sportive success	1	Upheld 0	Agree 0 Disagree 0 Not asked 0	Agreements 1
		Not upheld 1	Agree 1 Disagree 0 Not asked 0	Disagreements 0
Total	35			Agreements 5 (of which 2 were not upheld) Disagreements 15 (of which all were not upheld)

5. Conclusions and recommendations

The results of the year-long monitoring process that are displayed in chapter 3 clearly reveal the inadequacy as well as the inefficiency of the German self-regulating system.

The rules of the Code of Conduct on Commercial Communication for Alcoholic Beverages are such superficial and patchy that the resident advertising companies can easily circumvent the self-commitments of the German Advertising Standards Council. For instance, the committee wishes to prevent alcohol advertising from being misconstrued as targeting minors. However, within the code there are no concrete specifications about elements that may be appealing to children and youngsters. As already mentioned, a meta-analysis of the Federal Ministry of Health found that the employment of humoristic elements, colours, melodies and celebrities are particularly appealing to young people (Haustein & Schreckenber 2002). This is also underlined by the results of the prevailing youth panel ratings (see particularly parts 3.1.1, 3.1.4 and 3.1.5). As the code does not include a reference to such elements, the council was often able to reject a (sub-)complaint even if the features of the corresponding marketing campaign were clearly attracting the questioned youngsters. Common justifications for a refusal on the part of the committee have been: ‘an advertisement was not only appealing to youngsters but also to adults and can therefore not be misconstrued as targeting minors’ or “youth-related expressions like ‘cool’ are – not at least because of the Anglo-American influence on the German language – also used by adults”. This may be true in some places, but does not change the fact that the corresponding marketing activity is appealing to minors and often even encourages them to taste the promoted product. For this reason the existing self-regulating code is definitely not able to protect young people from being attracted by alcohol advertisement.

Another shortcoming of the self-regulating system is the exclusion of isolated product naming and packaging from the jurisdiction of the German Advertising Council. According to the Green Paper “Commercial Communication in the Internal Market” of the European Commission (1996) the promotional labelling and packaging is included in the domain of commercial communication. The German Advertising Council, however, does not consider this definition and stresses that the naming and the labelling of products not being integrated in a marketing activity cannot be assessed within the complaints procedure. The disregard of the European Commission’s definition and the fact that the minors, who were involved in the project, judged the herewith objected naming and the packaging as being attractive, reveal a great gap in the assessment of advertising in Germany. The same applies to marketing campaigns for alcohol-free products, also alluding to an umbrella brand or a corresponding alcoholic product.

Furthermore there seems to be a lack of consistency within the assessment procedure of the council. As displayed in chapter 3.1.4 (advertisement of KaMu and Kalte Muschi) a marketing activity was publicly rebuked for the vilification of women whereas the advertisement for an almost identic product was rejected on the part of the committee. This leads to the conclusion that the German Advertising Council does not dispose of a clear assessment strategy and that the incoming complaints are thus treated in an arbitrary way. This again gives the impression that the German self-regulating system is neither confident nor reliable.

Another shortcoming of the system relates to the general lack of severe consequences and sanctions against advertising companies that obviously violate the existing self-regulating rules. An advertising company cannot be forced but just asked to modify or discontinue a marketing campaign on the part of the committee. If a company does not follow the council's claim to change or even stop an advertising activity, it will be officially reprimanded. But here and there it is possible that the company exploits this rebuke to give even more notice of the originally promoted product. And even if a company agrees to modify or discontinue a marketing activity, there are no enduring or damaging consequences. For instance it happens that advertising companies reuse parts of the original campaign some time later (see chapter 3.1.1; *Online advertisement of V+*). However, this is generally not noticed, as the advertising council close a complaining procedure when the company agrees to change/ stop a marketing campaign. A last main shortcoming of the system is the lack of transparency during the complaining procedure. As described in chapter 2.3 the complainant is never notified about the correspondence between the advertising committee and the adversary. So the content of the comments on the part of the objected company is generally unknown.

The results of the monitoring process finally show that the statutory regulations stipulating the enforcement of fair competition are much more effective than the rules of self-regulation. If a marketing campaign was in breach with the existing legal restrictions, the respective advertising company was given an undertaking with a great period, after which the promotion or even the selling of the objected product has been stopped. This underlines the existence of sanctions and consequences within the complaining procedure. Moreover paying members of the Centre for Protection against Unfair Competition are informed in detail about every step of the complaining process. This again reveals the transparency of the statutory system.

For this reason and because of the inadequacy of the German self-regulating system the DHS makes demands on the disestablishment of self-regulation and the concurrent development of an *independent, statutory and punitive-based* as well as a *transparent* system of marketing regulations, effectively protecting consumers, especially the profit-promising target group of children and young people, against the exposure of questionable alcohol advertisement. Furthermore it is important that the herewith developed regulations are regularly revised and adapted to actual phenomena and problem situations.

The monitoring system of such a statutory-based regulation should not just relate to the handling of complaints but also to an active and continuous observation of marketing strategies in all types of media, especially in the Internet where the majority of questionable ads could have been identified.

6. References

Anderson, P., Hastings, G., Angus, K., de Bruijn, A. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. Doi: 10.1093/alcalc/agn115.

Ajzen, I. (1991). The theory of planned behaviour. *Organizational Behaviour and Human Decision Processes*, 50, 179-211.

Bundeszentrale für Gesundheitliche Aufklärung - BZgA (2009). Die Drogenaffinität Jugendlicher in der Bundesrepublik Deutschland 2008. Eine Wiederholungsbefragung der Bundeszentrale für Gesundheitliche Aufklärung, Köln. Verbreitung des Alkoholkonsums bei Jugendlichen und jungen Erwachsenen.

Available at: <http://www.bzga.de/forschung/studien-untersuchungen/studien/> [18.07.2010]

Casswell, S., & Zhang, J. F. (1998). Impact of liking for advertising and brand allegiance on drinking and alcohol-related aggression: a longitudinal study. *Addiction*, 93(8), 1209-1217.

Chen, M. J., Grube, J. W., Bersamin, M., Waiters, E., & Keefe, D. B. (2005). Alcohol advertising: what makes it attractive to youth? *J Health Commun*, 10(6), 553-565.

Deutsche Hauptstelle für Suchtfragen [DHS] (2009). Factsheet: Alkohol und Werbung. Hamm (Westf.).

Deutscher Werberat (1979). Rules of Procedure. Berlin.

Deutscher Werberat (2011). Keyfacts – German Advertising Standards Council. Available at: <http://www.werberat.de/content/Keyfacts.php> [18.01.2011]

Deutscher Werberat (2007). Rules on Advertising and its Appraisal. Available at: http://www.werberat.de/dox/DW_general_principles_en.pdf [18.01.2011]

Deutscher Werberat (2004). Code of Conduct on Personal Denigration and Discrimination. Available at: http://www.werberat.de/dox/DW_personal_denigration_en.pdf [18.01.2011]

European Commission (1996): Commercial Communications in the Internal Market - Green Paper from the Commission. Available at: http://europa.eu/documentation/official-docs/green-papers/index_en.htm [14.02.2011]

European Parliament & the Council (2010). Audio Visual Media Services Directive, 2010/13/EU C.F.R.

European School Survey Project on Alcohol and other Drugs [ESPAD] (2007). The 2007 ESPAD Report. Substance Use Among Students in 35 European Countries. Available at:

http://www.espad.org/documents/Espad/ESPAD_reports/2007/The_2007_ESPAD_Report-FULL_090617.pdf [20.10.2010]

Fachverband Werbung und Marktkommunikation, WKÖ (2004). Selbstregulierung: Fachverband setzt weitere Schritte. Newsletter 07/04 International Affairs – Neuigkeiten aus der Europäischen Union.

FTC. (2008). Self-Regulation in the Alcohol Industry Report of the Federal Trade Commission. Available at: <http://www.ftc.gov/os/2008/06/080626alcoholreport.pdf> (Archived by WebCite® at <http://www.webcitation.org/5iSMTEnCO>)

Geuens, M., & De Pelsmacker, P. (1998). Feelings evoked by warm, erotic, humorous or non-emotional print advertisements for alcoholic beverages. *Academy of marketing science review*, 1, 1-8.

Haustein, S. & Schreckenber, D. (2002). Alkohol und Werbung. Auswirkungen der Alkoholwerbung auf das Konsumverhalten bei Kindern und Jugendlichen. Schriftenreihe des Bundesministeriums für Gesundheit. Band 144. Nomos Verlagsgesellschaft Baden-Baden.

Hawkes, C. (2005). Self-regulation of food advertising: what it can, could and cannot do to discourage unhealthy eating habits among children. *Nutrition Bulletin*, 30(4), 374-382.

Juris GmbH (2004). Gesetz gegen den unlauteren Wettbewerb (UWG). Available at: http://www.gesetze-im-internet.de/bundesrecht/uwg_2004/gesamt.pdf [25.07.2011]

Kelly, K. J., & Edwards, R. W. (1998). Image advertisements for alcohol products: is their appeal associated with adolescents' intention to consume alcohol? *Adolescence*, 33(129), 47-59.

Kommission für Jugendmedienschutz der Landesmedienanstalten - KJM (2011). Jugendmedienschutz-Staatsvertrag (JMStV). Available at: http://www.kjm-online.de/files/pdf1/JMStV_Stand_13_RStV_mit_Titel_deutsch3.pdf [26.06.2011]

Kommission für Jugendmedienschutz der Landesmedienanstalten - KJM (2010) Rundfunkstaatsvertrag (RStV). Available at: http://www.kjm-online.de/files/pdf1/RStV_2010-04-01.pdf [26.06.2011]

Kommission für Jugendmedienschutz der Landesmedienanstalten - KJM (2009). Jugendschutzgesetz (JuSchG). Verfügbar unter: http://www.kjm-online.de/files/pdf1/JuSchG_2009-07-28.pdf [26.06.2011]

Moses, L., & Baldwin, D. (2005). What can the study of cognitive development reveal about children's

ability to appreciate and cope with advertising? *Journal of Public Policy & Marketing*, 24(2), 186-201.

Pechmann, C., Levine, L., Loughlin, S., & Leslie, F. (2005). Impulsive and self-conscious: adolescents' vulnerability to advertising and promotion. *Journal of Public Policy & Marketing*, 24(2), 202-221.

Schulministerium Nordrhein-Westfalen (2009). Bereinigte Amtliche Sammlung der Schulvorschriften NRW. Frechen: Ritterbach Verlag.

STAP – Dutch Institute for Alcohol Policy (2010). Effective Alcohol Marketing Regulations: A proposed framework to evaluate existing alcohol marketing regulations. Utrecht: STAP.

STAP – Dutch Institute for Alcohol Policy (2007). Regulations of Alcohol Marketing in Europe – ELSA project overview on the existing regulations on advertising and marketing of alcohol. Verfügbar unter: http://ec.europa.eu/health/ph_projects/2004/action3/docs/2004_3_16_frep_a2_en.pdf [02.07.2011]

Statistisches Bundesamt (2010). Stationäre Krankenhausaufenthalte von Kindern und Jugendlichen aufgrund akuter Alkoholintoxikation. Available at: <http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Grafiken/Gesundheit/Diagramme/Alkohol,templateld=renderPrint.psm> [20.10.2010]

Zentrale zur Bekämpfung unlauteren Wettbewerbs (2011). The Role of the Wettbewerbszentrale in the Enforcement System against Unfair Commercial Practices in Germany. Available at: <http://www.wettbewerbszentrale.de/media/getlivedoc.aspx?id=29983> [19.01.2011]

Zentralverband der Deutschen Werbewirtschaft (2009). Verhaltensregeln des Deutschen Werberats über die kommerzielle Kommunikation für alkoholhaltige Getränke. Fassung von April 2009. Available at: <http://www.interverband.com/dbview/owa/IGservsearch1.opt4middlerow?puid=2867623&paid=69392&pscat=217042&pscat=4349&purl=/werberat> [18.01.2011]

Appendix

- Appendix 1 Code of Conduct on Commercial Communication of Alcoholic Beverages
- Appendix 2 Rules on Advertisement and its Appraisal
- Appendix 3 Code of Conduct on Personal Denigration and Discrimination
- Appendix 4 Deutscher Werberat: Rules of Procedure
- Appendix 5 Overview of main alcohol producers and country specific alcohol producers in Germany
- Appendix 6 Press Release: "Muschi, Ficken und Arschgeweih. Deutscher Werberat versagt!"
- Appendix 7 Public Rebuke: "Sagt der Stefan zu der Uschi..."
- Appendix 8 Public Rebuke: „ Gerügt: ‚Marathon Bier‘ und ‚flüssige Seelsorge‘